Title

Settlers' Republic: Land, Infrastructure, and the Emergence of New Technologies of Government in the United States, 1789-1862

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Publication Date

2024

Peer reviewed|Thesis/dissertation

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By

Mary Shi

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Sociology

in the

Graduate Division

of the

University of California, Berkeley

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Summer 2024

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Abstract

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This dissertation puts land at the center of the American state formation to analyze the emergence of the American administrative and developmental state. As the first nation to emerge from revolt against colonial rule, in the United States empire and republicanism collided to produce a settlers' republic. Therein, it was through the work of acquiring, surveying, and selling land; promoting infrastructure projects such as canals and railways; and managing western territories that a people wary of centralized authority paradoxically found themselves building an expansive, bureaucratized, and increasingly developmental American state. Significantly, with so much of the activity of the early American state directed towards the acquisition, settlement, and incorporation of land, territory emerged as the orienting object of government. Territory was reimagined a space *to be* governed—to be improved, economized, and developed in the nation's interest. It was in pursuing settlers' visions of an empire for liberty that early Americans found themselves building the administrative institutions and ways of relating government to territory, economy, and society now pervasive in today's nation-states.

I make this argument in a series of studies. In the first, I construct a novel dataset characterizing antebellum Congressional debate activity from 1789 to 1861 (N=12,658), to demonstrate that the majority of early Congressional activity was concerned with acquiring, defending, and transforming land. Theorizing this centrality of land requires considering how modern state formation involved not only the expansion and bureaucratization of state administrative capacities, but also a transition from expansive empires of difference to territorially, economically, and socially contiguous nation-states. In the United States, this transition occurred via settler colonial practices of territorial incorporation such as, in the antebellum period, the integration of new states on equal political footing, and the construction of transportation and communication infrastructures.

In the second study, I examine the period in the United States before it was taken-for-granted that government should promote infrastructure projects such as roads, canals, and railways to stimulate what is now called economic development. I demonstrate how the public lands—the broad swathes of land in the national domain for which title had not been transferred to private owners—were repeatedly called upon as a fiscal resource, thereby allowing early American state builders the flexibility to experiment with various institutional arrangements and new governmental rationalities to justify government support of infrastructures. Crucially, to mobilize the public lands in this way, early American state builders relied on assumptions of Native dispossession and erasure. These assumptions lowered the perceived costs of mobilizing the public lands as a fiscal resource, and institutionalized processes of Indigenous dispossession and erasure in American political and economic development.

In a third study, I analyze the legislative debates leading up to the authorization of the first transcontinental railroad as a window into how federalism complicated territorial expansion and development. I theorize federalism as the outgrowth of empire to demonstrate how federalism territorialized understandings of sovereignty, thereby rendering decisions over territorial expansion and development politically destabilizing in ways that they would not be under empire. I analyze the debates leading up to the passage of the 1862 Pacific Railway Act to examine how federalism complicated territorial development in practice. The fact that the railroad could not be approved until after the outbreak of the Civil War, which removed Southern sectional interests from Congress, illustrates the limitations of federalist systems to make decisions over land. Because federalism allows legislators to sidestep conflict by excluding dissenting positions via the re-drawing or strategic selection of political boundaries, federalism does not incentivize meaningful compromise over questions of territorial development.

I conclude by sketching the evolution of the United States' settler political economy. I discuss how the various efforts to manage land examined in detail above were situated in the United States' evolving land policy, administrative capacities, and governmental rationalities. From the General Land Office to the Department of Interior, it was to meet the demands of managing vast territories that some of the United States' earliest and most technocratic administrative agencies were established. And it was from the bird's eye view of those agencies that early American state builders experimented with ways of promoting and optimizing public welfare using land policy that echo the economizing reasoning of today.

Analyzing the United States as a settlers' republic makes visible the trade-offs and exclusions constitutive of American state formation and establishes the central role that land played in American political and economic development. By doing so, this dissertation points to the horizon needing to be transformed therein to perfect democratic government and reimagine relationships between land, government, and people more generally.

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Acknowledgements

I entered graduate school thinking I would be researching infrastructure and state formation in modern China. Little did I know how far afield my research interests would take me, let alone anticipate a global pandemic that would upend archival research for more than two years. I am endlessly grateful for finding advisors who have supported and even encouraged me on this journey, both within my home department of sociology and in more distant corners of the university. Of these advisors, I owe my largest debts of gratitude to Mara Loveman, John Lie, and Eric Schickler. So many threads of this work began as seemingly off-the-cuff reading recommendations from John; Eric provided a guiding hand to a fledgling student of American political development; and Mara never failed to transform her incisive sociological vision into invigorating critique, especially when it was needed the most. Mara has been a mentor in the fullest sense of the word.

This research was generously supported by funding from the National Science Foundation and the University of California (UC) Institute on Global Conflict and Cooperation. The Tobin Project and UC Berkeley's Network for a New Political Economy (now the Berkeley Economy and Society Initiative); Institute of Governmental Studies; Global, International and Area Studies program; Institute of Research on Labor and Employment; and Office of Undergraduate Research also provided research support. In its early stages, this work benefited from discussions at the UC Berkeley Department of Sociology's workshop on Culture, Organizations, and Politics, the annual meeting Social Science History Association, and the Democratising Infrastructures workshop at Durham University. In its later stages, presentations at the annual meeting of the American Sociological Association, Sociologists in Action at the University of Michigan, and the Bay Area Economic History Workshop helped mature the ideas in this dissertation. The Decolonizing Development mini-conference series at the Society for Advancement for Socio-Economics has been a constant source of support and inspiration

In the course of pursuing this research, I burdened many inboxes with drafts and incurred many debts. Tara Gonsalves, Joe LaBriola, Caleb Scoville, and Adam Storer bore the brunt of this burden. I have also learned so much from the comments of Hillary Angelo, Sai Balakrishnan, Alex Barnard, Daniel Carpenter, Martin Eiermann, Julian Go, Claude Fischer, Richard R. John, Tyler Leeds, Noam Maggor, Antonia Mardones Marshall, Elizabeth McKenna, Cristina Mora, Chris Muller, Heidi Nicholls, Robert Pickett, Michael Rodríguez-Muñiz, Benjamin Rohr, Ariel Ron, Ángel Ross, Emily Ruppel, Michaeljit Sandhu, Skyler Wang, Kyle Whyte, Alexis Wood and various anonymous reviewers, among others. This list of names does not begin to touch on the number of people who have deeply influenced my development as a sociologist, among whom Michael Burawoy deserves special mention for cultivating my interest in social theory and publicly-engaged sociology. Neil Fligstein, Marion Fourcade, Heather Haveman, and Ann Swidler have also provided special support over the years. The archivists, librarians, and staff at the New York State Library Manuscripts and Special Collections unit, the Library of Congress's Manuscripts Division, and the National Archives and Records Administration research rooms at College Park, Maryland and Washington, D.C. provided endlessly patient assistance and invaluable advice. Adam Berenbak at the National Archives created one particularly fortuitous connection at a critical time in my research, and went above and beyond in providing access to materials. Hallie Wells provided exceptional editorial assistance. Despite the enormous fount of collective wisdom this work springs from, errors undoubtedly persist. All remaining errors are my own.

Finally, I would like to dedicate this dissertation to Hamza, with whom anything feels possible. This dissertation exists because of your love and support.

Settlers' Republic

In April 1792, George and Rachel Ewing packed their meager household belongings onto a flat boat and set out on the Ohio River, floating one hundred miles downstream to Marietta in what is now Ohio. Among their party was Thomas, just over two years old. In his twilight years, Thomas would remember the smell of the walnut chips from the canoe his older brother carved that spring to prepare for the journey, and the loss of his first hat—a thatched straw number—that chased the family down the Ohio's rapids after it fell overboard. From Marietta, the family would make their way deeper into the Northwest Territory. They would settle first at Waterford garrison up the Muskingum River before moving another three miles away to establish a new garrison at Olive Green Creek. It was on a small farm half a mile from Olive Green that young Thomas was raised. A little over fifty years later, Thomas Ewing would be appointed the first Secretary of the newly established Department of Interior.[1]

This dissertation is interested in understanding how settlers like the Ewings built the American state and, in the process, contributed towards the making of political modernity. As the first new nation to emerge from revolt against colonial rule, perched between republican ideals of equality, popularity sovereignty, and limited government and imperial norms of territorially ambiguous and expansive rule by difference, what can the case of the United States teach scholars about the development of the modern state?

In the United States, this collision between empire and republicanism produced what I call here a *settlers' republic*.[2] In this settlers' republic, land emerged as the orienting object of government. Although nowhere in the United States' founding documents was it written that so

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[1] Ewing, Sr., Thomas, "Autobiography of Thomas Ewing, 1869," Box OV 7, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C. Recollections, 1-17.

[2] Thanks to Daniel Carpenter for first bringing this exact formulation of "settlers' republic" to my attention. This term also appears in Dowd (2017) and Blaakman (2023).

much of the activity of the nascent American state would be devoted to the work of acquiring, surveying, and selling land; promoting infrastructure projects such as canals and railways; and managing western lands, these were the tasks that early Americans disproportionately set to their government. In doing so, land became the orienting object of government and a productive site of governmental innovation. It was to meet the demands of managing vast territories that a people wary of centralized authority paradoxically found themselves building an expansive, bureaucratized, and developmental state that created the ways of relating government to economy and society we take for granted today. This dissertation is a series of studies examining this collision of empire and republicanism to reveal the technologies and exclusions this collision produced as settlers negotiated the contradictions of using republican institutions of government for territorial expansion and development.

The Department of Everything Else

The Department of Interior (DOI) serves as an illustrative entry point into these dynamics. The Interior's official history refers to the DOI as the "Department of Everything Else" (Utley and Mackintosh 1988). In the nineteenth century, the "Great Miscellany" was tasked with everything from running the Patent Office, to distributing Civil War pensions, to managing the District of Columbia's water supply (Utley and Mackintosh 1988: 5, 11-13: Carpenter 2001: 51-52). Observers maligned the DOI as a "hydra-headed monster" and a "slop bucket for executive fragments" (Utley and Mackintosh 1988: 5). Hampered by a lack of talent and fragmented organizational structure, dogged by controversy, and incapable of autonomously directing policy, the nineteenth century DOI has been deemed a bureaucratic failure by present-day scholars (Carpenter 2001: 4, 56).

From this perspective, the DOI fits into a characterization of American state formation that understands the emergence of centralized, rationalized administration as a post-Civil War phenomenon (although see Morgan and Orloff 2017; Novak 2008).[3] During and immediately following the Civil War, war-making unleashed a more vigorous and developmental federal government (Bensel 1991), Civil War pensions laid the groundwork for systematic social welfare provision (Skocpol 1992), industrialization forged the United States' earliest regulatory agencies (Bensel 2000: 307-314; Dobbin 1994: 28, 87-91), and civil service reform created the conditions for a permanent bureaucracy (Skowronek 1982). In this telling, it was only around the turn of the twentieth century that the patronage-driven, clerical state of the nineteenth century gave way to

[3] Although scholars' understanding of the varieties of state capacity in the United States have expanded beyond bureaucratic administration to include less visible, more delegated, and interpenetrated forms of state power (Novak 2008; see also Balogh 2009, Clemens 2006), scholars still understand the development of visible, centralized, and bureaucratic policy-making as a primarily post-Civil War phenomenon. One notable exception to the lack of bureaucratic administration in the pre-Civil War era was the Post Office (see John 1996, 1997). More recent studies of antebellum federal power such as that from Gregory Ablavsky (2021) have discovered a vigorous federal state, but one whose visible actions were largely confined to frontier areas (see Rao 2022 for a review). By illuminating the centrality of managing land and infrastructure promotion to the antebellum state and the administrative institutions those tasks spawned, this dissertation is demonstrating that centralized, bureaucratic administration did emerge in the pre-Civil War era and, significantly, that it emerged to pursue the tasks of settler colonial empire building.

rationalized and expansive modern state administration (Carpenter 2001: 37-64). Scholars from Max Weber (1958: 110) onwards attributed this situation to "the high degree of democracy in the United States—a 'New Country.'" Within this context, the failures of the DOI are emblematic of the earlier, clerical American state, and this clerical American state is understood as an expression of Americans' republican commitment to limited government.

However, this interpretation of the DOI is incomplete. Neither the timing nor the origins of the DOI fit this characterization.

The DOI was founded in 1849, eleven years before the outbreak of the Civil War and more than fifty years after the creation of the last new executive department, the Navy, in 1798. The DOI was only preceded by the Treasury Department, the Post Office, and Departments of State, War, and Navy, all of which were established at or shortly after the formation of the United States under its current Constitution. The next executive departments to be established would be formed relatively shortly after the DOI, with the Department of Agriculture in 1862 (see Ron 2020), followed by the Department of Justice in 1870 and Commerce and Labor in 1903. This timing situates the DOI as more part of the second wave of administrative expansion in the United States than the first. Indeed, it can be argued that the DOI was the origin of this second wave. Both the Departments of Agriculture and of Commerce and Labor began as offices within the DOI. When in 1887 the United States established its first federal regulatory agency, the Interstate Commerce Commission, it was also first established within the DOI (Dobbin 1994: 28, 87-91; Bensel 2000: 307-314), building on the DOI's decades-long oversight of government-aided railroads in its Lands and Railroads Division. This gestational pattern has earned the DOI the nickname "Mother of Departments" (Utley and Mackintosh 1988: 12).

Moreover, despite the shortcomings evident by the end of the nineteenth century, the DOI was founded as an attempt to rationalize, not restrict, public administration. The DOI was a product of its time, and an attempt to move past that time. Antebellum Americans understood the limitations of amateur management by political appointees, and sought to reform the system even if it meant building a more robust administrative state.

The Interior's first Secretary is an example of this reforming impulse. Thomas Ewing was appointed by the Taylor administration after months of vigorous stumping on Taylor's behalf throughout Ohio.[4] By the time of his appointment, Ewing was a prominent and respected Whig who was a former senator from Ohio and had already served one stint as Treasury Secretary. Recalling his time as Treasury Secretary, Ewing was unsparing in his critique of the patronage system. He decried patronage for appointing "brawling offensive political partisans, of a very low moral standard" whose only qualification was electioneering, "their official duties performed by substitutes, or not performed at all." He entered office hoping to "make many changes and by

[4] "Bound Letters: 1842, Jan. 23-1849, Feb. 12" Box 7, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C.

so doing, to elevate as far as possible, the official standard."[5] Ewing was, in other words, a patronage appointee who wanted to reform patronage.

This is not to say that men like Ewing were clamoring to *expand* the administrative state. The question of establishing the DOI as a new Cabinet-level executive department received remarkably little debate in Congress. It was discussed twice in the House before passing, and only once in the Senate. Critiques centered on the prospect of expanding the opportunities for patronage, especially right after the election of a new president. Proponents assured critics that the establishment of a new Department would only require the appointment of a new Secretary and a single clerk. This was a "reorganization," not expansion, of the administrative apparatus of the American state.[6]

The DOI did not exactly live up to its founders' intentions. Ewing was inundated with requests for favor as soon as his appointment as Interior Secretary was announced.[7] One Mr. S. McLenaro went so far as to send Ewing an unsolicited newspaper clipping at his official Secretary of Interior address reporting the proportion of Whigs to Democrats in office (Whigs were outnumbered five to one) as an encouragement to appoint more above the "whines of Locofoco [Democratic] office holders and their… press."[8] Not even a year and a half after the DOI was established, Congress would receive a request from Thomas McKennan, Ewing's successor, requesting approval for a permanent addition of three messengers to the DOI's clerical corps.[9] Despite its architects' promises otherwise, the DOI was part and parcel of an expanding American state.

Beyond reforming patronage, the DOI was also envisioned as an attempt to streamline public administration. The sprawling responsibilities of the DOI have been cited as evidence that the Great Miscellany was a bureaucratic failure. However, this hodgepodge emerged from its architects' desire to rationalize the functions of other executive departments. As the DOI was debated in the House and Senate it picked up responsibilities originally housed in other executive

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[5] Ewing, Sr., Thomas, "Autobiography of Thomas Ewing, 1869," Box OV 7, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C. Journal, 3-4.

[6] United States Congress, *Congressional Globe,* 30th Congress, 2nd session, 12 February 1849, 15 February 1849, and 3 March 1849. United States Department of the Treasury, "Report on the Finances, December 1848," *Annual Report of the Secretary of the Treasury on the State of the Finances* (1848), Digitized and retrieved from the St. Louis Federal Reserve Bank <https://fraser.stlouisfed.org/title/194/item/5493>, 311-314. For "reorganization" see 314.

[7] "Bound Letters: 1849 Feb. 18-Apr. 15" Box 8, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C.

[8] Letter from S. McLenaro to Thomas Ewing, Secretary of Interior, 13 April 1849; Box 1; Letters Received, 1849–1907 (Other title: Miscellaneous Letters Received); General Records of Department of the Interior, Patents and Miscellaneous Division, Record Group 48.4.1; National Archives, College Park, MD.

[9] Secretary to Committee on Finance, 20 August 1850; Box 1; Letters Received, 1849–1907 (Other title: Miscellaneous Letters Received); General Records of Department of the Interior, Patents and Miscellaneous Division, Record Group 48.4.1; National Archives, College Park, MD.

departments, eventually encompassing supervision of lead mines, the census, and various duties within the District of Columbia from managing the public buildings to the penitentiary. Proponents of the DOI argued that the President would no longer have to act like a "supervisor of roads" to whom common laborers working on public buildings took workaday complaints, and the Treasury Secretary would be freed to devote his attention to "the great, the higher, the more important duties" befitting his station rather than managing casework from the General Land Office. Assigning these duties to a new Secretary would improve the accuracy and speed at which they could be carried out, while freeing resources better spent elsewhere in their home departments.[10]

In other words, even while the DOI can be critiqued as a bureaucratic failure or as emblematic of a fading clerical state, it must also be appreciated as an origin point in the expansion and rationalization of federal administrative capacities. Whence, then, the DOI?

Managing Land and Managing Indians

Despite the reputation of the Department of Interior as the Department of Everything Else, when the DOI was established its creators were very clear what its main tasks would be: managing land, and managing Indians.[11]

The idea of a DOI was first proposed by Secretary of the Treasury Robert J. Walker in his 1848 annual report. Walker's primary argument for establishing the DOI was that managing the nation's public lands—the broad swathes of land in the national domain for which title had not been transferred to private owners—simply took too much time. Walker was personally dedicating four hours a day deciding cases sent to him on appeal from the General Land Office, and had reviewed more than five thousand cases in his time as Treasury Secretary. These hours were spent wading through the minutiae of disputes over title, preemption, private entry, and purchases of the public domain. Walker pointed out that the recent additions of Oregon, New Mexico, and California only promised to increase this already untenable burden.

When envisioning the duties of a new Secretary of Interior, to this main task of managing the public lands Walker proposed adding the duties of the Commissioner of Indian Affairs and of the Pension Office from the War Department, and of the Patent Office from the State Department —bureaus which Walker argued no longer had necessary connections to the departments in which they were then housed. The "domestic relations" of the United States with its Native nations no longer primarily concerned War, but rather the peaceful progress of "Christianity, knowledge, and civilization"; pensioners, let alone their widows and orphans, did not receive military orders; and the Patent Office had always been awkwardly slotted into the State Department. Walker further pointed out that under the system of military bounties, questions

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[10] United States Congress, *Congressional Globe,* 30th Congress, 2nd session (12 February 1849), 514-518.

[11] Debra Haaland's 2021 appointment as first Native American Secretary of the Interior marks the belated recognition of the importance of Indigenous affairs as a part of the DOI.

frequently arose which intertwined issues of the distribution of land, Indian affairs, and pensions, and therefore those questions should be supervised within a single Department.[12]

When Walker's proposal was first presented to the House of Representatives, Representative Samuel Vinton of Ohio highlighted the "peculiar fitness" between the Bureau of Indian Affairs and the Land Office as reason to unite the functions of each within the same Department. Of course, there was nothing "peculiar" about the complementarities between the General Land Office and the Bureau of Indian Affairs. The tasks of each—along with the work of the Pension Office strategically distributing military bounties to manage settlement on the western frontier (Frymer 2014), and of the DOI's soon-to-be established Lands and Railroads Division overseeing government-aided railroads—formed a nexus of imperial expansion, Native dispossession, and settler colonial territorial incorporation. As this dissertation demonstrates, administering to such tasks constituted, on average, one fourth of the activity within the antebellum Congress.[13] Add to this the amount of Congressional activity devoted to questions of war and taxation, and it can be argued that half of the attention of the early American state was occupied with the work of expanding, defending, and settling American empire. No wonder, then, that the first executive agency to be established after the founding period would be a department devoted to administrating these tasks.

The Two Faces of Modern State Formation

The Department of Interior illustrates how, in a literal sense, empire and settler colonialism built the American state. However, saying this is not to limit this dissertation's understanding of the formation of the United States as a modern state to the process of administrative expansion. This dissertation is interested in the DOI—or rather, the nexus of practices that culminated in the DOI—as not only an index of the United States' changing administrative apparatus, but also as indicative of the evolving vantage point on society being cultivated in the American state. It is interested, in other words, in the coproduction of state administrative capacities and a certain mode of seeing like a state.

The tradition of conceptualizing state modernization as a process of administrative centralization, expansion, and bureaucratization is deep and has powerful explanatory power when the modern state's monopoly on physical and symbolic violence is conceptualized as the

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12 United States Department of the Treasury, "Report on the Finances, December 1848," *Annual Report of the Secretary of the Treasury on the State of the Finances* (1848), Digitized and retrieved from the St. Louis Federal Reserve Bank <https://fraser.stlouisfed.org/title/194/item/5493>, 311-314.

13 See Chapter 2 of this dissertation. The "one fourth" figure is calculated from summing the amount of Congressional activity devoted to pensions (2.6%), land policy (12%), Indigenous affairs (4.1%), and transportation (7.2%).

state's most significant feature (see Bourdieu 1994; Weber 1958; see also Mann 2012).[14] More recently, narrowly bureaucratic conceptions of state modernization have come under generative critique within the American context. The American state, scholars have argued, may represent its own model of state development wherein the modernization of public administration did not occur via bureaucratization, but instead via the development of a particularly delegated, hidden, and associational mode of administration (see Novak 2008).[15] Relatedly, political sociologists have also begun to rethink the "many handed" nature of modern states more generally in the United States and beyond (see Morgan and Orloff 2017).[16]

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[14] Max Weber (1958: 78) defined the state as "a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory." Pierre Bourdieu (1994, 2015) later extended this definition to include a monopoly over the use of symbolic violence. Both of these definitions define the state according to its particular claim to force, which in turn they understand as secured by virtue of the state's permanent bureaucracy. Bureaucratization is a process of both dispossession and concentration, as the wielders of physical and symbolic force are separated from the means of administration and those means are concentrated in a centralized, permanent administrative structure. Bourdieu goes so far as to argue that the modern state's bureaucratic structure itself is now the source of the state's monopoly on symbolic power. By claiming to act as a rationally administered, neutral and ultimate arbiter of public affairs—of having an "interest in disinterest"—the modern state claims a monopoly on the use of symbolic power (Bourdieu 1994, 2000, 2015). Both Weber and Bourdieu identified dynamics internal to early modern Europe to account for the emergence of the modern state. In their account, war and then industrialization made the modern state. Scholars such as William Novak (2008; see fn. 16) have noted how the United States does not fit into this Eurocentric, Weberian model of state formation.

[15] In the United States, scholars have demonstrated how "American machinery of governance" does not rely primarily on centralized, bureaucratic administration. Instead, state and local governments take an active role in governance (Handlin and Handlin 1947; Larson 2001; Scheiber 1969); governments at all levels can delegate their authority to and rely on private actors and voluntary associations to administer policy (Clemens 2020; Frymer 2014; Morgan and Campbell 2011); and government action can be left out of sight on the frontiers and in foreign policy (Ablavsky 2021; Balogh 2009) or hidden via indirect expenditures in the tax code (Mettler 2011).

[16] Sociologists have noted how researching the state requires researching a constantly moving target. It is an attempt to pin down a complex set of relations, institutions, ideas, and positions in society that together, somehow, produce the appearance of "the state" as an entity separate from society (Mitchell 1999). This problem is compounded when individuals hold fluid and even contradictory ideas about the state, and when the state operates through multiple levels of government, delegates governance to non-state actors, and is subject to strong influence from partisan, business, or international and transnational groups. This ontological multiplicity has led scholars to theorize the state as not a single, unitary entity, but rather as having "many hands" (Morgan and Orloff 2017).

Although exploding the state in this way may seem at odds with earlier Weberian conceptualizations that equate state modernization with the expansion, centralization, and rationalization of state administrative institutions, this perspective shares with the earlier institutionalist approach a core concern with "the state" as a relatively autonomous apparatus exerting power on society that can be fought over in the realm of politics. While the apparatus of the state may not have defined boundaries—or may not in fact exist outside of the minds of its beholders—the appearance of the state still has powerful effects and itself can become a terrain of struggle. In this vein, recent studies have examined how actors strategically manipulate the visibility of the state to advocate for specific policies (Mayrl and Quinn 2017; Mettler 2011; Morgan and Campbell 2011), and have demonstrated how individuals' ideas about the state can lead to seemingly contradictory evaluations of state action (Leeds 2020). This perspective is limited, however, in that it does not adequately consider how the state is not only a thing that can be mobilized, but also a particular vantage point from which to conceptualize social reality. By analyzing how new governing rationalities emerged in the institutions of early American government, this dissertation seeks to move beyond this institutionalist mode.

However, the modern state is not only a bundle of administrative apparatuses, no matter how delegated or many handed. It is also a particular vantage point on society. Understanding this is important because it shifts how scholars understand the stakes of studying the state.

When states are understood as bundles of administrative capacities, they are fundamentally conceptualized as a locus of concentrated power. The state takes on significance by virtue of its strength and its relative autonomy from society.[17] Although the administrative apparatus of the state can have its own institutional inertia and be staffed with agents with minds of their own, the state is at core a means that can be fought over in the realm of politics which, once won, can be applied to various ends. From an institutionalist perspective, the most important questions to be asked about modern states are about state capacity and state capture.

Conceptualizing state modernization as the production of an evolving vantage point on society allows scholars to ask a different set of questions. The modern state is a mode of vision and division that sees territorially-defined states as the ultimate carriers of sovereignty and as the taken-for-granted containers of economy, society, and polity. This mode of vision is both something that is deployed by modern states to govern what it takes as its national territory, and something that, through its deployment, constitutes state, society, and economy as separate domains. The vantage point of the modern state is, in other words, a view "from above" from which it is possible to conceptualize state, society, and economy as separate domains—what Timothy Mitchell (1999) has called the "state effect." This state effect is significant because it allows for new ways of seeing, understanding, and intervening in the world (e.g., Fraser 2015; Scott 1998). Understanding the emergence of political modernity requires not only understanding the changing nature of the state as a source of power in society, but also understanding how thinking like a state constitutes new social relations, new dynamics of power, and new vehicles through which to imagine, deliberate about, and coordinate collective lives.

Among the manifold consequences of this state effect, this dissertation is particularly interested in understanding how, in the United States, the concrete government of land was transformed into the abstract government of economy and society.

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[17] This institutionalist perspective allows scholars to theorize the relative autonomy of the state, and thereby make the state an object worthy of inquiry in its own right as opposed to being something epiphenomenal or residual to society (Evans, Rueschemeyer, Skocpol 1985). The state's administrative apparatus—its network of bureaus coordinating, regulating, and provisioning for manifold aspects of social and economic life; its cadre of civil servants and experts; its body of law and policy that it operates by—constitutes the state as a semi-insulated "technocratic-bureaucratic" institution that operates relatively autonomously from civil society (Mann 1984: 198-201; 2012: 67). The state controls its own despotic and infrastructural powers (Mann 1984)—or, as Michel Foucault (1977, 1980: 104-105) would say, sovereign and capillary powers—and is staffed by individuals with interests and agendas of their own (Carpenter 2001). Given that the administrative apparatus of the state has its own institutional inertia, can be subject to unexpected feedback loops, and exhibit various path dependencies (Pierson 2000; Skocpol 1995), combatants' control over the state is never complete. Nonetheless, the state remains a worthy prize to be fought over in politics, and, for scholars, the study of the administrative apparatus of the state has constituted a rich field of inquiry that has been enormously illuminating for understanding the patterns of policy-making and dynamics of political contention in the United States.

By conceptualizing states as territorially bounded units, the vantage point of the modern state enables a form of two-dimensional thought: states—and their concomitant concepts of population, economy, nation, etc.—are simultaneously thought of as aggregates, and as the individual units, relations, and processes that make up aggregates (Mitchell 1991: xii, 1999: 87-90). This ability to relate the individual unit to the aggregate whole creates a nexus of knowledge and power that takes the aggregate as an object of knowledge and field of intervention, while directing the application of power at the level of the individual. Michel Foucault (1991) has called this a new form of governing rationality, or "governmentality."

While states have always purported to represent and work towards some sort of higher purpose, the modern state is particular for marrying this appeal to a collective good with a particularly individuating, disciplinary, rationalized, and therefore *productive* application of power. Public happiness is transformed into social welfare, which is in turn monitored, measured, and governed through the reduction of poverty rates and optimization of demographic trends. Prosperity becomes a series of economic indicators, and democracy is tracked through voter participation rates. These indicators are reflections of "the economy," "society," and "state" which are reified as separate, internally dynamic, and governable domains. The "state" is able to take a technocratic, managerial role vis-a-vis these various targets of government and design policies carefully calibrated to track and incentivize behaviors at the individual level of persons, firms, and so on, to achieve goals determined in the name of the collective.

This vantage of the modern state allows the state to constitute collectivities and impose trade-offs in the name of those collectivities. Importantly, it does so in a particularly de-politicized way. Because trade-offs are calculated at the level of the aggregate, the governmentality of the modern state necessarily shifts the balance of power towards those who can wield the tools and adopt the perspective of the state. Individuals are asked to make sense of and ultimately rationalize their own fortunes and misfortunes in the context of the aggregate whole, while their knowledge of the aggregate whole is necessarily abstract and mediated through experts who they can only appeal to but never fully engage with as equals. Here, the administrative apparatus that has been the focus of studies of modern state formation reappears, but with new significance. The administrative apparatus of the state is not only a powerful tool to be fought over and directed towards various ends. It is also the incubator and concrete manifestation of a new vantage point on society through which new ends of and new means of government can be forged, and new relations of power in modern society can take shape.

Today it is taken for granted that governments—as something separate and distinct from "the economy" or "society"—should be growing the economy, pursuing development, improving social welfare, and so on, and individuals routinely submit themselves to these governing rationalities. How did this form of thought which is now so pervasive and legitimated in modern life emerge? What is the relationship between these two faces of modern state formation: the institutional and perceptual? What trade-offs, exclusions, and assumptions were woven into the construction of this governmental rationality? And what is the significance of asking this question in the context of the United States?

A Government of the People

Consider these passages penned by Jesse Hawley in 1807 (1839 [1807]: 324-325):

> Our government is constituted by a certain sum of power granted by each of its members in exchange for a certain sum of equal rights.
>
> Incorporations and charter-parties are constituted by granting a fractional sum of these equal rights and endowing a few select members… as their exclusive rights.
>
> This sum of delegated power subtracts so much from that of the social compact; and these exclusive rights diminish, to their amount, the sum of equal rights.
>
> The government which grants charter-parties, cedes so much of their own jurisdiction—creates and erects so many demi-sovereigns within itself. This it does at its own expense; for the sum of power in governments is like the sum of money at the gambler's table, where nothing is added or multiplied. The gains of one are but the losses of another. […]
>
> Let the government be liberal with its grants of incorporations, and it would eventually transfer its vital powers to, and its energies become absorbed in, these principalities. Thence our government would gently slide into an aristocracy. The one is the foster-parent to the other.

These passages appeared in a series of essays published in the *Genesee Messenger* from October 1807 to April 1808. Hawley was a flour merchant based in Geneva, New York accustomed to the challenges of transporting goods downstate. After a reversal in fortunes left Hawley in debtors' prison, Hawley decided to "render [himself] useful to society by giving publicity" to a suggestion that had been brewing in his mind since 1805. Writing anonymously as Hercules, it was in this series of essays that Hawley introduced in print for the first time the idea of an artificial waterway connecting Lake Erie to the headwaters of the Hudson River. This idea would become the Erie Canal.

As the first large-scale infrastructure work undertaken wholly by public means, the Erie Canal re-signified large-scale infrastructure works as potent symbols of national power and inaugurated a new, more vigorous role for government in promoting infrastructure as a way to stimulate what would now be called economic development. A later chapter will dive deeper into the significance of the Erie Canal and the assumptions of Indigenous dispossession and erasure woven into its financing and the financing of other early government experiments in infrastructure promotion. These assumptions illustrate the boundaries of the collectivity that infrastructure promoters implicitly had in mind as they sought to mobilize government to realize their interests, as well as the foreclosures of non-settler political and economic futures necessary to render the fiscal calculus of government action politically acceptable. However, what interests me here is the foreign understanding of the divisions between state, society, and economy glimpsed in Hawley's remarks.

By describing government as a "national incorporation," Hawley (1839 [1807]: 326) was describing a flat, undifferentiated understanding of the relationship between government, economy, and society. Hawley did not understand a fundamental difference between local or federal government or the various turnpike, manufacturing, and banking concerns that had secured charters of incorporation from their states. All were corporate entities constituted by individuals voluntarily ceding some of their sovereignty to better act in concert and achieve purposes together that they could not achieve alone (see also Ablavsky 2019: 216-219). Hawley was following this understanding to its next logical step when he argued that in chartering these private corporations, governments were not establishing corporate entities subordinate to themselves, but rather parceling out some of their own sovereignty and creating "demi-sovereigns" that threatened to eventually drain the whole of the powers granted to them by the consent of the people into the hands of the privileged few.

In seeing little difference between public and private corporations, Hawley was not expressing a fringe view. In this period before general incorporation laws, much of state legislative activity was taken up with the work of granting and regulating corporate charters (Hilt 2017; Ireland 2004; Lamoreaux and Wallis 2020).[18] These special acts of legislation were sought by businesses, but they were also sought by county and municipal governments seeking to incorporate themselves (Ireland 2004: 282-287).[19] It should not be surprising, then, that Hawley or his contemporaries saw more similarities than differences between these various types of corporations. Speaking to this perspective, in the first half of the nineteenth century petitioners to Congress would describe themselves not only as "citizens," but instead first and foremost as "subscribers," as in "subscribers to a corporate stock." Petitioners, for example, to the fourteenth Congress (1815-1817) referred to themselves as "Subscribers, Citizens of the Town and vicinity of Harrisville," "Subscribers, Citizens of the State of Louisiana," and "Subscribers, citizens of the City of Washington."[20] This turn of phrase reveals how differently early Americans understood the relationship between themselves, their governments, and their economic institutions to how we do today.

Instead of seeing the American state as something "above" society beyond themselves as individuals, or as interfering with the operation of private economic activity outside of or prior to the state, early Americans perceived few distinctions between economy, society, and state. Early Americans such as Hawley understood government as nothing more than their individual selves, transformed by a legal act into a single corporate entity. The state did not have a separate existence beyond this body corporate, which itself existed on the same plane as other corporate forms. "Public" and "private" corporations were being regularly and freely made by the same legislative powers, and both were being constituted in the name of serving the "public" interest

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[18] Although New York would pass the first general incorporation law covering manufacturing business in 1811, this law only covered small enterprises with a capitalization less than $100,000, and in subsequent years the number of special charters would dwarf those awarded under the general act (Hilt 2017). State legislative agendas would continue to be dominated by similar special legislation until the rise of general incorporation laws in the mid-to-late nineteenth century (Ireland 2004; Lamoreaux and Wallis 2021).

[19] Speaking to the scale of these local government requests, in his 1862 annual message to the New York State legislature, Governor Edwin D. Morgan lamented "that the subject of city and village charters occupies two-fifths of the space of the last annual volume of law" (quoted in Ireland 2004: 282).

[20] The petition from "Subscribers, Citizens of the Town and vicinity of Harrisville, in the county of Harrison, and State of Ohio" requested federal extension of a road; that of "Subscribers, Citizens of the State of Louisiana" requested federal adjudication of competing land claims made under French and Spanish rule; and that of "Subscribers, citizens of the City of Washington" requested permission to build a turnpike (Petitions and Memorials, SEN 14A-G10 through SEN 14A-G13.5, Records of the Senate, Record Group 46, National Archives at Washington, D.C.).

(Handlin and Handlin 1947: 106-133). This was a time when the boundaries between public and private, state and market had not yet consolidated (Novak 2017).

Saying this is not to ignore the long tradition of anti-statist critique in the United States. Although early Americans vigorously debated the dangers of a strong central government, these debates stemmed from a fear of pseudo-monarchical tyranny and the inequalities of special privilege, not the perverting powers of "the state" encroaching on something like "the economy" or "society." It was arbitrary, distant government—not government as such—that was the target of anti-statist critique. Local government was seen as the immediate product of popular sovereignty, and as such, early Americans freely mobilized the powers of their state governments to promote internal improvements, charter enterprises, and pursue their individual interests (Handlin and Handlin 1947; Larson 2001; Scheiber 1969).

Yet, despite these anti-statist critiques, centralized, bureaucratic government would develop in the United States by century's end and the United States would emerge as, arguably, one of the pioneers of the governmental rationality of the modern state. As early as the establishment of the Interstate Commerce Commission in 1887, the United States could be recognized as having developed a particularly market-oriented approach to economic policy (Dobbin 1994). During the New Deal, a federal government with a robust "will to intervene" would emerge (Skocpol and Finegold 1982: 275) and freely use deficit spending on large-scale initiatives like the Bureau of Reclamation's Hoover Dam to lower unemployment; and after World War II the United States would spread its ideology abroad as a leader of international development finance and provider of development expertise through agencies like the World Bank and the Bureau of Reclamation (Ekbladh 2010; Rist 2002; Sneddon 2015). In this period, it would be economists in the National Bureau of Economic Research who would develop concepts such as "Gross Domestic Product" (GDP) that are now *de rigueur* for representing "the economy" as a separate, statistically knowable, internally dynamic, and governable domain (Hirschman 2016; Özgöde 2020). More recently, and intimately tied with this earlier history (see Phillips-Fein 2009; Prasad 2006), the resurgence of market-oriented policies in the neoliberal era demonstrates how powerfully the vantage point of the modern state shapes the terms through which we conceptualize collective social and economic life.

These observations suggest the significance of analyzing the United States as a case of modern state formation in terms of the far-reaching influence the United States would have in the twenty-first century. However, the United States must also be considered significant because of its republican origins.

Productive Contradictions

Today, Hawley's fluid, undifferentiated understanding of government vis-a-vis economy and society is alien to us, but in the early nineteenth century it was one of the ways that a people experimenting with the principle of self-government thought to express the relationship between state and society. Identifying this transformation marks an important point of departure both analytically and theoretically.

Analytically, it establishes the antebellum United States as a moment before the transition from one mode of thought to another. During the course of the nineteenth century the United States somehow transformed from a society in which divisions between state, economy, and society were so unclear that the concept of *laissez faire* did not seem relevant (Handlin 1943), to one in which an expanding federal government could establish the Interstate Commerce Commission to protect "the natural balance of freely operating economic forces" and ensure productive market competition (Dobbin 1994: 87).

Significantly, by articulating the blurred boundary between state, society, and economy as a consequence of the principle of self-government, Hawley's perspective also points to the theoretical significance of analyzing the United States as a case of modern state formation.

When the United States declared itself independent from British imperial rule in 1776, it became the first new nation to establish itself on the basis of liberal principles of universalism, equality, and popular sovereignty (Lipset 1963; although see Byrd 2011, Pincus 2009). Early Americans understood themselves as embarking on a great political experiment in republican self-government. At the same time, the United States had imperial ambitions of its own. Settlers like the Ewings, aspiring to realize their republican visions of liberty rooted in economic independence, property ownership, and limited central government (see Bailyn 1967; Foner 1960; Morgan 1972a; Onuf 2012), were pushing westwards and rapidly expanding American empire. Because republicanism provided the machinery and ideology of American government which settlers mobilized to realize their imperial visions of territorial expansion, I call the state that emerged from this collision of republicanism and empire a settlers' republic.

Analyzing the United States as a settlers' republic asks how this collision between empire and republicanism could be productive of political modernity. It allows scholars to consider how a project meant to destroy the coercive power of centralized, distant government ended up producing a political and economic leviathan, and how a project meant to universalize the blessings of liberty produced racialized violence, dispossession, and exclusion. Like the paradoxical relationship between American freedom and slavery, analyzing the United States as a settlers' republic allows scholars to ask how a project for freedom could produce unfreedom. What emerges from this perspective is an understanding of the central role that land, and struggles over land, played in American political and economic development.

By formulating the analysis in this way, the significance of this dissertation to a number of strands of inquiry becomes more clear.

First, for scholars of modern state formation this dissertation considers how the governmentality of the modern state was not only produced in the context of Europe or its colonies, but also in a political context where power was intended to emanate upwards "from the people" with no boundary between society and state. In the United States after the American Revolution, there was no sovereign power of kings to be transformed into the rational government of population or pursuit of improvement (Foucault 1991; Pincus and Robinson 2016). Nor, given the United States' revolutionary origins, were there colonial administrators from whose offices there could develop ever more refined techniques of surveillance, discipline, extraction, and control (Mitchell 1991, 2002).

This dissertation opened with a discussion of how the Department of Interior was founded to address the administrative demands of managing land and managing Indians. Considering the direct relationship between empire and state expansion, one strategy for resolving this puzzle would be to dismiss republicanism. This interpretation would render republicanism as the ideological veil to what was at heart an imperial project, and would turn settlers into either agents of capital in search of a spatial fix, or, more crudely, genocidal thugs driven by a base tribalism. While both of these interpretations touch on real dynamics within the unfolding of American empire, they ignore the language through which early Americans—extending the ambitions of their British forebears—understood their own imperial project.[21] This language is important because while the ideology of republicanism may have veiled unfreedom, it also secured consent and participation in a dynamic and tumultuous political experiment whose results were far from determined.

It was through the language of republicanism that early Americans imagined their political community, narrated their motivations for empire, and formulated the ends-in-view of their actions. Institutions like federalism and practices like that of infrastructure-led development emerged as the products of a government trying to find ways to institutionalize the ideal of popular sovereignty and respond to popular demands. The slippages, then, between Americans' republican ideals and the various forms of centralized, bureaucratic authority, political exclusion, economic exploitation, and racialized violence they produced illustrate the limits of those republican ideals for responding to the demands of an empowered public, governing vast territories, and managing social difference.

Relatedly, this dissertation pushes sociologists to analyze the United States as not only an empire, but also a republic. Thus far, sociologists have used the framework of empire to expand sociologists' global imagination, demonstrate the colonial entanglements of racial and gender formation in the United States, and restore empire to a discipline that has repressed its imperial origins (see, for example, Connell 1997; Go 2009; Glenn 2015; Jung and Kwon 2013; Magubane 2005; Steinmetz 2013). It is from this scholarship that this dissertation draws much of its understanding of empire as a social formation. However, much of this work has focused on the late nineteenth century onwards after the United States ended treaty-making with Native nations, American industry was booming, and the United States began expanding its overseas empire abroad first to Puerto Rico, the Philippines, Hawaii, and then beyond in more informal modes of empire. As such, this work has examined empire in the United States in the period when the United States looked and acted most akin to its European counterparts, and when the United States' status as a revolutionary experiment in republicanism no longer seemed so revolutionary

[21]Americans were inheritors of a British tradition that celebrated English government as gentle and liberty-loving. British colonialism was an opportunity to spread this more enlightened form of government worldwide (Morgan 1972).

or uncertain.[22] This view of American empire leaves the full significance of the United States unplumbed.

The United States marks an important turning point in the centuries-long process of transitioning the state's mandate to rule from kings to people (Bendix 1978). As the first new nation to be founded in revolt against colonial rule, the United States can be understood as a significant case from which to analyze modern state formation as the expansion of the basis of political representation and legitimation.[23] This dimension has historically received less attention than the administrative dimensions of state modernization (see Mann 2012: 358; although see Reed 2020), but is the basis of what makes "the state" an enduring and foundational concept in the social sciences (see Morgan and Orloff 2017: 17). Significantly, the antebellum United States can be understood as the site of particularly urgent and undetermined transformation. It was in the United States that the contradictions between republican ideals of equality and popular sovereignty and imperial norms of territorial ambiguity and rule by difference had to be resolved, and quickly, for the American political experiment to proceed apace. These intersecting demands make the antebellum United States a productive crucible of modernity.

By taking the United States' republican origins seriously and analyzing the United States as a settlers' republic, this dissertation reveals how, in the United States, the production of colonial difference—which sociologists traditionally analyze as a part of empire—did not develop only to uphold exploitative practices such as slavery or Indigenous dispossession as part of the transnational development of racial capitalism, but were also appurtenant to republicanism itself. In the United States, constructions of colonial difference and subsequent political and economic exclusions, exploitations, and dispossessions can be understood as part of what Uday

[22] This work has established United States as a case of empire that shares the same patterns of rise and fall and is subject to the same boomerang effects as other empires (Go 2011, 2023), that displays the same characteristics of internal heterogeneities and racial domination as other empires, and that deploys the same practices of colonial subjectivation to construct and maintain racial and gender differences that have been used to justify colonial domination worldwide (Glenn 2015; Go 2020; Jung and Kwon 2013; McKay, Vinyeta, Norgaard 2020; Nicholls 2021, 2022; Norgaard 2019; quisumbing king 2019, 2022; Rocha Beardall 2021, 2022). Within this space, scholars are increasingly drawing from the experiences of Indigenous peoples to illustrate the limits of settler constructions of citizenship and sovereignty (McKay 2021; Rodriguez-Lonebear 2021; Steinman 2011, 2012, 2022). Methodologically, by restoring imperial connections, this work has expanded sociologists' global imagination and pushed historical sociology to break down the assumptions of independence between cases that underpinned traditional, comparative methods (Go 2009, 2023; Magubane 2005; Reyes 2019).

The motivating concern of much of this work has been explaining gender and racial formation in the United States. Where this work touches the American state *qua* state, it has adopted the Weberian framework that focuses on the coercive power of states and conceptualized the American state as a bureaucratic apparatus. This dissertation contributes to this body of work by shifting the focus from race to the state and focusing on the antebellum period. In this way, the insights of scholars attentive to empire can be brought to bear on questions of the state and vice versa, and scholars are pushed to consider American state formation in the time period prior to overseas empire.

[23] When sociologists have examined the transition of the mandate to rule from kings to people, they have not paid particular attention to the United States, instead preferring to analyze the process as a global phenomenon (Bendix 1978), or look to European, metropolitan cases when asking questions of citizenship and nationhood (Brubaker 1998; although see Buck-Morss 2000; Hammer 2020). However, the United States was the first new nation to be founded in revolt against colonial rule on republican ideals of liberty, equality, and popular sovereignty. Indeed, the French looked to the United States as an example during its own revolution.

Mehta (1997) has called "liberal strategies of exclusion." Mehta has argued that, because liberalism proclaimed the universal equality of beings, justifying anything less than full political inclusion required constructing bulwarks of cultural difference that allowed the excluded to be deemed as intrinsically equal yet inadequate carriers of the full capacities for self-sovereignty. In the United States, designating a community as not yet ready for self-government—such as in the case of United States' territories before they achieved statehood (Frymer 2017), as infantilized domestic dependent wards of the United States in the case of *Cherokee Nation v. Georgia,* or as racially or civilizationally inferior as in the case of African Americans and Native Americans—can be understood as such liberal strategies of exclusion.

This dissertation illustrates additional strategies of exclusion beyond infantilization and racialization that were necessary to coordinate government action around a settler vision of American economy and society. Similar to moments of expanding suffrage (Bateman 2018), during moments of territorial expansion and development, American governing institutions did not develop in a way that could balance or even accommodate radically different interests. Instead, shared assumptions of Indigenous erasure were used to lower the perceived costs of government promotion of infrastructure, and the territorialization of popular sovereignty under federalism allowed slave and settler understandings of American political economy to co-exist (until they, explosively, could not) by containing dissension within state borders under the principle of states' rights. Illuminating these constitutive exclusions raises questions about the limits of the governing institutions and the political and economic relations they birthed. As Native scholars such as Jodi Byrd (2011) and Glen Coulthard (2014) have argued, inclusion is an inadequate response in the face of institutions which have only been able to develop by furthering processes of exclusion and dispossession. The solution must be, instead, transformation.

Finally, by putting land at the center of its analysis, this dissertation is able to examine how dispossessed Indigenous homelands were woven into American political and economic development. It contributes to a body of recent work exploring the financial dimensions of Indigenous dispossession (Connolly 2022; Lee 2017; Park 2016), and the processes of land sale, settlement, and what we would now call "economic development" that followed (Ablavsky 2021; Blaakman 2023; Frymer 2014; Quinn 2019; Saunt 2019). This dissertation pushes this literature forward by paying particular attention to the nexus of land, government, and infrastructure promotion. By doing so, this dissertation puts this literature in conversation with ongoing debates over the origins of the United States as a developmental state (Link and Maggor 2020), while denaturalizing the idea of "development" as such and demonstrating the constitutive processes of dispossession and exclusion woven therein.

Significantly, the nexus of land, government, and infrastructure may be particularly fruitful for explaining the U.S. as a developmental state and, by extension, the United States' takeoff as an economic powerhouse in the late nineteenth century. Elliot Brownlee (2016: 51, 2017: 17) has proposed characterizing the United States as an "asset state" in which "[the] ownership of massive assets [in the public lands] gave the federal government a great deal of political flexibility in developing social programs because the assets often relieved the central government of the onus of seeking tax increases.” By the 1870s, European powers had taken notice of the United States’ ability to integrate its national domain via its system of transportation infrastructures. Doing so allowed the United States to harness its vast territorial extent as a source of raw materials such as timber, iron, oil, and coal; as a valuable domestic market that drove economic activity at home; and as a site of production for commodities such as wheat, cotton, and tobacco that could then be profitably exported abroad (Beckert 2017). Sven Beckert (ibid.) has argued that the United States’ ability to take advantage of its vast territorial extent was the basis of the United States’ takeoff as an economic and industrial powerhouse in the latter half of the nineteenth century—the “second great divergence” of the development of global capitalism— and, just as significantly, spurred European countries worried about American ascendency to intensify their own efforts of imperial territorial expansion. Restoring these imperial connections puts the global history of capitalism in new light, and suggests the significance of the United States and the processes of Indigenous dispossession it was built on for not only understanding this history, but also for re-evaluating the present-day modes of thought through with we understand taken-for-granted relationships between government, economy, society, and territory.

Data and Analytic Approach

To make these contributions this dissertation draws from a variety of sources. It draws extensively from the published legislative records of the United States Congress and, to a lesser extent, of the New York State Legislature. These records include each legislative body’s official proceedings and records produced in the course of those proceedings, such as bill drafts, executive documents, and committee reports when published. These published legislative records have largely been digitized and were accessed online via the Library of Congress American Memory “Century of Lawmaking” project, ProQuest Congressional, the Shaw-Shoemaker Early American Imprints series, and HathiTrust.[24] The online Voteview database was also consulted for convenient look-up and visualization of Congressional roll call data.

These published legislative records were used in a variety of ways. First, they were used to conduct comprehensive reviews of the debates behind key pieces of legislation, such as the acts authorizing government support for infrastructure projects such as the Cumberland Road, the Erie Canal, or the first transcontinental railroad, or the act that created the Department of Interior. These legislative histories ranged from a couple dozen pages for relatively uncontested pieces of legislation, such as that creating the Department of Interior, to more than nine thousand pages in the case of the Pacific Railway Act. These debates were manually reviewed by the author as sources of insight into changing governing rationales of early American state builders. Twenty-six undergraduate researchers provided assistance with the Pacific Railway Act over the

[24] The exception to this online availability is the earliest New York State legislative journals, which required in-person consultation at the New York State Library, Manuscripts and Special Collections division at Albany, New York.

span of four years.[25] Second, this data was also used to construct a dataset from the indices of the *Congressional Record* and its predecessor publications describing Congressional activity from 1789 to 1861. The resulting dataset, constructed with the assistance of Audrey McClish and Alexis Wood, has 12,658 observations of index entries and constitutes, to the author's knowledge, the most comprehensive dataset of Congressional activity in the antebellum period currently available. Finally, in addition to these comprehensive reviews, these records were consulted to provide information on the rationale behind early land sales policies, other federal aid to railroads, debates over western expansion, and more.

In addition to these published sources available online, this dissertation also relies on nine weeks of archival research spent at the National Archives in College Park, Maryland, the National Archives at Washington, D.C., the New York State Library in Albany, New York, and at the Library of Congress in Washington, D.C. Research trips occurred between 2019 and 2024, with a COVID-hiatus in between.

A number of archival collections were consulted. From the National Archives, the primary collections include unpublished petitions and memorials submitted to Congress regarding roads, canals, railroads, and the public lands, and unpublished Congressional committee reports; records from the General Land Office and regarding Indian trusts in the Treasury Department; records from the Corps of Engineers, Office of the Chief of Engineers, and Board of Internal Improvements in the War Department; and records from the Office of Explorations and Surveys, the Lands and Railroads Division, the Indian Division, and the Patents and Miscellaneous Division in the Department of the Interior. Records from the Canal Board of New York State relating to the surveying, construction, and financing of the Erie Canal were also consulted. This dissertation also draws from the letters and other textual documents held in the Thomas Ewing Family Papers collection at the Library of Congress.

These administrative records provide a view into the day-to-day functioning and flow of information between Congress, the various executive departments, and the nation they were tasked with governing that goes beyond what appears in published legislative debates or executive reports alone. They are a rich archive of the everyday practices of representation, meaning making, and push-back from a material and social world resistant to being fully known or managed. Moreover, in this period prior to national statistical reporting or public opinion polling, it would be petitions, memorials, and letters sent directly to Congress or one of the executive branch offices that provided early American state builders their view into their nation beyond the confines of their personal experiences or office walls. These materials were also read

[25] This dissertation would not have been possible without the help of such a dedicated and brilliant team of research assistants through UC Berkeley's Undergraduate Research Apprenticeship Program (URAP) and Summer Undergraduate Research Fellowships (SURF) programs, and the Institute for Research on Labor and Employment's Social Sciences Research Pathways program. Thank you Osmond Bates, Ayden Chi, Isabel Cholbi, Jason Seymour De Haaff, Cassandra De La Pena, Arelia Diaz, Aoife Dwan, Aaron Hill, Murtaza Hiraj, Christopher Hoeft, Sabariesh Ilankathir, Erik Jun Cui, Danae Kawamoto-Duran, Sasha Kozlov, Taylor Lang, Alexandra Langar, Marc Makornwattana, Andres Marquez, Jonathan Ngai, Irene Pang, Eva Polina, Hippolyte Roland, Aayush Singh, Ryan Stewart, Jacob Thompson, and Alexis Wood.

in their own right as a valuable source of insight into the perspectives and experiences of inhabitants of the early United States who by and large were people whose voices wouldn't otherwise be readily captured by the historical record.[26]

By paying close attention to everyday processes of government, this dissertation traces the coproduction of state administrative capacities and the vantage point of the modern state. In doing so, this dissertation constructs what Daniel Hirschman and Isaac Ariail Reed (2014) have called a "sociotechnical formation story." It explains the emergence of the vantage point of the modern state as a result of the "mundane processes" of government that assemble together individuals, organizations, material resources, ideas, technology, and expertise into everyday practices of "spatial organization, temporal arrangement, functional specification, supervision and surveillance, and representation that create the appearance of a world fundamentally divided into state and society or state and economy" (Mitchell 1991: 95). These processes did not just generate new representations of the world, they also reshaped that world to be a place in which their representations could survive (Mitchell 2008). These mundane governmental practices promoted the construction of new infrastructures, directed waves of settlers, and created the flows of commodities that *made* the national domain a meaningful container of social and economic relations, and thereby made it not only possible but also sensible and productive to conceptualize territorially defined, internally dynamic, but separate domains of economy, society, and state.

This is an eventful formation story (Hirshman and Reed 2014; Sewell 1996). Events like the successful construction of the Erie Canal or the establishment of the Department of Interior expanded how individuals conceptualized the scope of government action and created new collective actors that reconfigured the terrain of possibilities moving forward. Therefore, although this dissertation hones in on the mundane specificities of government action, it does so with an eye towards moments of eventful transformation.

Sociological formation stories such as this reveal how features of the object under analysis emerged as a result of the historical process of assemblage, and suggest patterns of causality that scholars can be more attentive to elsewhere (Hirshman and Reed 2014). The emergence of political modernity is a multi-causal process. War-making, industrialization, the Enlightenment, colonialism—these were all contributors to the formation of modern states. Analyzing the United States as a settlers' republic illustrates how scholars interested in understanding the formation of modern states must include looking at the productive contradictions between empire and republicanism as a driver of transformation. In the United States, foregrounding the interplay of empire and republicanism illustrates how land became the primary object of government for modern states and thereby produced new dynamics of exclusion as well as new technologies of government.

[26] See Blackhawk, Carpenter, Resch, and Schneer (2020), Carpenter (2021), and McKinley (2016) for more on nineteenth-century petitions.

Finally, by foregrounding the role of land and infrastructure in American state formation, this dissertation explores the materiality of state formation and the co-production of attempts to know and control the human and nonhuman world, new technologies of rule, and a remade material world. As this dissertation demonstrates, in the United States the government of land was intimately entwined with promotion of roads, canals, and railroads. Existing research suggests that large-scale infrastructure works may play a key role in establishing the autonomous power of the state from economic elites while producing relations of impersonal, technocratic rule over the subject populations (Mukerji 2009, 2010a, 2010b). While a rich body of sociological work exists examining how modern states emerged with the disciplinary government of individuals and populations via tools such as censuses (see, for example, Emigh, Riley, Ahmed 2016; Gorski 2003; Loveman 2005, 2014), deeper analysis is needed on the role of the state in making physical territory governable and the nation-state a meaningful spatial container for economy and society.

What Is Ahead

What follows is a series of studies analyzing the United States as a settlers' republic. Although these chapters can be read independently, they engage a series of overlapping themes and can be understood as contributing to a broader argument putting land, and the government of land, at the center of American political and economic development.

The studies in this dissertation illustrate how, in the United States, empire and republicanism collided to produce a settlers' republic. Therein, it was through the work of acquiring, surveying, and selling land; promoting infrastructure projects such as canals and railways; and managing western territories that a people wary of centralized authority paradoxically found themselves building an expansive, bureaucratized, and increasingly developmental American state. Significantly, by orienting so much of the activity of early American government towards the acquisition, settlement, and incorporation of land, territory emerged as the orienting object of government. Territory was reimagined as a space *to be governed*—to be improved, economized, and developed in the nation's interest. It was in managing vast territories that the United States developed the vantage point of the modern state and the modes of relating government to territory, economy, and society so taken for granted today.

The first study in this dissertation approaches the early American state from a bird's eye view. In the first study, I construct a novel dataset characterizing antebellum Congressional debate activity to demonstrate and theorize the centrality of land to the early American state. Drawing on the analysis of an original dataset characterizing legislative topics discussed in the House of Representatives from 1789 to 1861 (N=12,658), this study develops and evaluates Weberian, imperial, and settler colonial frameworks for conceptualizing modern state formation, and demonstrates that the majority, approximately 57%, of early Congressional activity was concerned with acquiring, defending, and transforming land. Accounting for this centrality of land requires considering how modern state formation involved not only the expansion and bureaucratization of state administrative capacities, but also a transition from expansive empires of difference to the ideal of territorially, economically, and socially contiguous nation-states. As an empire in transition, in the United States imperial norms collided with republican principles of popular sovereignty to create settler colonial practices of territorial incorporation that reconfigured relationships between government, people, and territory in ways more akin to modern nation-states than empires past.

I then turn to in-depth analyses of what this work of settling and incorporating land looked like. In the second study, I examine the period in the United States before it was taken for granted that government should promote infrastructure projects such as roads, canals, and railways as a means of stimulating what is now called economic development. In this early period, government promotion of infrastructures was primarily justified on military and political, not economic, grounds. Nonetheless, spurred by the technical and political challenges of building internal improvements of sufficient scale to integrate the nation's vast territory, early infrastructure promoters petitioned their government for support. By analyzing the fiscal negotiations behind these early government experiments with infrastructure promotion, I demonstrate how infrastructure promoters repeatedly called on the "public lands"—the broad swathes of land in the national domain in which title had not been transferred to private owners—to help enable their projects. They did so despite the fact that these lands were still encumbered with the costs of selling and surveying vast territories, pacification on the frontier, and even extinguishing legally recognized Native title. By taking for granted the costs and contingencies of acquiring the public lands, infrastructure promoters were able to mobilize the public lands as a politically light resource that minimized the complicated legislative battles, extra financing requirements, and potentially explosive additional taxation that would have otherwise impeded their efforts. Doing so institutionalized assumptions of Indigenous dispossession and erasure in American political and economic development and the fiscal calculus of the early developmental state more generally.

In a third study, I analyze the legislative debates leading up to the authorization of the first transcontinental railroad as a window into how federalism complicated territorial expansion and development. By institutionalizing equality between the states, American federalism denied the asymmetries of imperial rule. However, splitting sovereignty in this way made territorial expansion problematic: the addition of new territorial subunits on equal political footing would have implications for the balance of power in the federal state as a whole. The destructive implications of this fact are visible in the series of increasingly fraught compromises over slavery and state admissions leading up to the Civil War. The legislative gridlock that developed during the debates over the first transcontinental railroad demonstrates that federalism also complicated territorial development. Legislators debated authorizing the first transcontinental railroad for a over a decade, moving through three phases in their deliberations: imperial expansion, sectional realignment, and finally existential stalemate. Ultimately, the 1862 Pacific Railway Act could only be passed after the outbreak of the Civil War when Southern interests were removed from

Congress. This analysis illustrates the limitations of federalist systems, such as that of the United States, for making decisions over land.

I conclude by zooming out again to examine the evolution of land policy in the antebellum period and the settler political economy those policies created. Land policy created a set of incentives, opportunities, and constraints that individual settlers such as the Ewings both had to navigate and had a hand in creating as they sought to mobilize the institutions of republican government to achieve their visions of liberty. The tasks of administering the nation's vast lands, in turn, became a catalyst for administrative expansion and new governmental rationalities in the American state.

When the Ewings set out for Marietta, Ohio in April 1792, they were embarking on only the most recent leg of a multi-step journey west. George Ewing had grown up as part of a middling New Jersey family. In 1775, as a young man, he enlisted in the Continental Army and threw his modest inheritance into the war effort by purchasing certificates to help fund the war. These certificates rapidly depreciated and left George financially exhausted. Upon leaving the Army in 1778, George Ewing married the daughter of a neighboring farmer, Rachel Hearns, and set out west ahead of his new family, aiming "Westward as far as the then condition of the Country would permit." With his inheritance gone and few military or commercial prospects, he first settled in western Pennsylvania as a schoolteacher. By 1789, when his son Thomas Ewing, Sr. was born, the whole family was living near West Liberty, Virginia, having migrated further west deep into the Appalachian Mountains. There, in this frontier community only ten miles away from the Ohio River, George had again found work as a schoolteacher. By 1790, he had determined to head west again. In July 1790, George Ewing wrote to his uncle back in Trenton, New Jersey, requesting his assistance to purchase lands in the "vacant territory" further west. George hoped that his old Revolutionary War certificates could fund the purchase of lands or, barring that, that he could secure military rights on account of his service. It would be from West Liberty that the Ewing family would depart for Marietta in 1792.[27]

The Ewings' experiences were a product of the settler political economy that the early American state created. To finance the American Revolutionary War, the states and Continental Congress created a mass of paper money and various forms of IOUs in the form of debt certificates, bonds, and military warrants for yet-to-be-won western lands. George Ewing and countless other economically middling veterans like him experienced this turmoil at the personal level in the loss of his inheritance due to the rapid depreciation of certificates for state debts and Continentals at the end of the war. However, this depreciated paper money also created opportunities for profit. After the first iteration of federal land policy in 1785 when Congress sought to sell lands directly to settlers failed to produce significant revenue, the federal government decided to instead sell large tracts *en masse* to land companies (Blaakman 2023; Rohrbough 1968: 3-25).

[27] Ewing, Sr., Thomas, "Autobiography of Thomas Ewing, 1869," Box OV 7, Container 232, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C.

By settling near Marietta, Ohio, in 1792, the Ewings were settling in the earliest of such land companies: those of the Ohio Company. In 1787, the Ohio Company had managed to negotiate the purchase of 1.5 million acres of land northwest of the Ohio River in exchange for $1 million of federal certificates. Considering the depreciated value of those certificates, this amounted to paying less than six cents per acre in specie. War, however, was brewing, between settlers and Natives on the Northwest frontier. For the Ohio Company, the decisive turning point would be the 1791 massacre at Round Bottom.[28] Faced with this violent resistance, the Ohio Company quickly revised its initial plan for distributing those lands, and carved out one-hundred-acre parcels to be donated to settlers willing to bear arms and erect defenses outside of the established settlements. Of course, no sooner were these lands claimed on paper than they were resold to actual settlers for $50 to $100 apiece (Ablavsky 2021: 51-78).

Undeterred, the Ewings migrated west to take advantage of this opportunity. They floated down the Ohio River to alight first at Marietta, which had been established as the first and principal settlement of the Ohio Company, then at Waterford, and finally at Olive Green Creek. The families assembled there would sustain at least one loss in the ensuing conflict: that of Abel Sherman, a fifty-year old father of three who was ambushed and scalped not more than fifteen minutes away from the garrison. Thomas Ewing would vividly remember that and his other early encounters with Indians at Olive Creek at the small farm his family moved to outside of the garrison after the Treaty of Greenville was signed.[29] Despite settling on lands donated for the purposes of frontier defense, George Ewing would still find himself saddled by debt. He would only be able to fully extinguish his debt in 1810, more than a decade after the dissolution of the Ohio Company which closed shop in 1796 after completing its own payments to the federal government. With the help of some military bounty warrants cobbled together from veterans like George Ewing, the Ohio Company had managed to convince Congress to forgive the rest of its debt on account of aiding the Northwestern war efforts in return for relinquishing approximately five hundred thousand acres of its original purchase (Ablavsky 2021: 71). Fourteen years later, with the help of his son Thomas who had earned some money as a seasonal worker in the Kanawha salt works, George Ewing was also able to own his farm outright. After a few more years of toil, the same salt works would provide the funds for Thomas to leave home in 1812 and try his luck as a lawyer, setting him on his path to become the first Secretary of the Interior.[30]

In the United States, as the experiences of the Ewing family helps illustrate, land became the orienting object of American government. Questions of a military, fiscal, economic, and social nature were addressed through the tool of land policy. Grants of western lands as

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[28] Compare the slightly differing accounts of the Big Bottom massacre provided by Thomas Ewing's autobiography (Journal: 7-9) and Gregory Ablavsky (2021: 66). See Calloway (2015, 2018) for further discussions of these conflicts.

[29] Ewing, Sr., Thomas, "Autobiography of Thomas Ewing, 1869," Box OV 7, Thomas Ewing Family Papers, Library of Congress, Manuscript Division, Washington, D.C. Journal: 13-22.

[30] Ibid. Journal: 12; 53-55 Recollections, 2nd book: 1-2.

military bounties and in donation tracts were simultaneously a way to direct the western flow of settlers and manage military conflicts, and a means of social provision for veterans. Regulations for the sale of the public lands produced revenue for the nascent American state while directing the flow of economic activity, creating relationships of debt and obligation that—as they became due—catalyzed their own political and economic convulsions. The Ewings offer one concrete illustration of the trajectories one family could take to navigate this settler political economy created by the early American state, and the experiences of the men who would themselves become the functionaries of the nascent American state.

From the General Land Office in 1812 to the Department of Interior in 1849, some of the United States' earliest executive agencies were established to meet the demands of distributing the public lands and managing federally-aided infrastructure projects. And it was from the bird's eye view of those agencies that early American state builders experimented with ways of promoting and optimizing public welfare using land policy that echo the economizing reasoning of today. Putting this evolution of land policy in conversation with this dissertation's analysis of the United States as a settlers' republic makes visible the trade-offs and exclusions constitutive of these nascent governing rationalities. It illustrates how early Americans' efforts to secure freedom actually produced various forms of unfreedom, and points to the horizon needing to be transformed therein to construct more just and sustainable forms of government.

Empire in Transition

Theorizing the Centrality of Land in American State Formation

Today sociologists readily acknowledge American empire (e.g., Go 2011; Jung and Kwon 2013), but this has not always been the case. Although early Americans commonly referred to their revolutionary political experiment in imperial terms (Onuf 2000, 2012), and despite empire's prominence in the early social sciences (Connell 2007; Go 2020; Steinmetz 2023), for decades scholars did not analyze the United States as an empire. Instead, scholars interested in American state formation took their cues from the post-World War II political sociology literature on the state (Evans, Rueschemeyer, and Skocpol 1985; Mann 1984; Skocpol 1979). This literature directed scholars to analyze modern state formation as the expansion and bureaucratization of public administration.[31] Applying this Weberian perspective, scholars identified the central puzzle of American political development as the late emergence of centralized, bureaucratic state authority (Skowronek 1982; Skocpol 1992; Weber 1958), and the particularly hidden or delegated form of state power that developed (Balogh 2009; Novak 2008).

[31] This decision to eschew empire in the analysis of American state formation reflects the elision of empire in the Weberian framework that is dominant in studies of American political development and conceptualizations of the modern state more generally. When sociology was re-imagined as the value-free study of industrial society in the post-World War II period, empire—which had both lost its appeal as a civilizing mission and taken on too many negative normative connotations—was written out of its disciplinary history (Connell 1997; Steinmetz 2023). Significantly for scholars of the modern state, Max Weber was only canonized in this post-World War II reconstruction (Connell 1997). It was in this intellectual milieu that foundational debates on the role of the state took place (e.g., Milliband and Poulantzas; Skocpol 1979; Mann 1984) and crystallized in the Weberian conceptualization of the modern state. At the same moment, early studies in American political development also adopted explicitly Weberian definitions of the state (e.g., Skowronek 1982: 5 fn. 2; Skocpol 1992: 43 fn. 92) and focused their attention on explaining the expansion of rationalized, bureaucratized public policy making in the United States.

Scholars from Weber onwards attributed this situation to "the high degree of democracy in the United States—a 'New Country'" (1958: 110).[32]

As the data analyzed in this chapter demonstrates, this Weberian lens leaves the bulk of activities of the early American state out of view. Overcoming longstanding data limitations, this study creatively constructs and analyzes a dataset from the indices of the Congressional Record (N=12,658), 1789-1861, to offer a systematic window into the activities of the antebellum American state. This data is a reference point against which to develop and evaluate three frameworks for conceptualizing modern state formation in the United States and beyond: Weberian, imperial, and settler colonial. Approximately 57% of early Congressional activity was concerned with tasks of acquiring, defending, and transforming land. Such tasks included the maintenance of a fiscal-military state, the negotiation of foreign affairs, the political incorporation of new states, the administration of the public lands, and the work of promoting territorial integration via infrastructures such as postal roads and railroads. A Weberian framework can neither identify nor interpret the centrality of land to the early American state. Instead, the imperial and settler colonial frameworks developed here better account for this high prevalence of territory management topics in early Congressional debate. In doing so, they illuminate how the United States was not only an aberrant case of Weberian state formation, but also a significant case of empire in transition.

In developing this argument, this chapter makes both theoretical and empirical contributions. Empirically, by constructing a new dataset characterizing early Congressional activity, this study provides new historical context for scholars interested in understanding the role of government in all manner of social, economic, and political development in the United States. Significantly for scholars interested in American state formation, this study establishes that imperial and settler colonial tasks of territory management occupied the bulk of the antebellum Congress's attention. While scholars have become increasingly interested in understanding the role of empire and settler colonialism in American political development (e.g., Ablavsky 2022; Frymer 2014, 2017; Saler 2014), this work has still adopted a primarily Weberian lens, and data limitations have meant that these studies have provided tantalizing glimpses of the early American state without being able to situate those glimpses within the broader context of government activities. By establishing the centrality of land to the early American state, this chapter demonstrates that the American state was formed *through* pursuing empire and the settler colonial incorporation of new territories. Such activities were not confined to the literal or metaphorical frontiers of state activity, but instead constituted its core concerns. Rather than seeing the absence of direct, bureaucratized social or economic policy making as

[32] In problematizing American state formation this way, scholars' reluctance to analyze the United States as an empire also reflects what Dipesh Chakrabarty (2000) calls social science's tendency to reduce the analysis of Western history to the gradual unfolding of universalist ideals, such as liberal democracy. In these historicist accounts, the influence of "non-modern" factors is sidelined as insignificant. If one of the United States' founding myths is that it was the "first new nation" founded on republican principles (Lipset 1963; see Buck-Morss 2000 for an alternative view), for decades it has been easier to sideline empire as incidental to the history of American political development than to grapple with it.

evidence of an absent or aberrant American state, scholars need to ask how, in the United States, the administration of land was *transformed* into the administration of economy and society and what implications this transformation has for understanding the formation of present-day state administrative apparatuses more generally.

To this end, this chapter makes theoretical contributions literatures beyond the United States by restoring empire to the analytical frame as a jumping-off point from which to understand the evolution of the modern state and its norms of bureaucratized governance. In doing so, this chapter contributes to the political sociology literature on the state as well as the growing body of sociological work asking how centering empire challenges scholars' understandings of the origins and dynamics of modernity (Go 2009) in domains ranging from the construction of race and gender (Jung and Kwon 2013; McKay, Vinyeta, Norgaard 2020; quisumbing king 2018), to the civil sphere (Hammer 2020), to knowledge production (Connell 2007; Go 2020; Hammer 2020).

In the case of modern state formation, the dominant Weberian lens imposes an overly teleological understanding of modern state formation based on a European model shorn of its imperial appendages that directs scholars' attention to a narrow range of historical dynamics as significant while sidelining others (see Chakrabarty 2000 for a critique). Analyzing early Congressional activity through Weberian, imperial, and settler colonial lenses illustrates the limitations of a purely Weberian framework. Restoring empire pushes scholars beyond Weber to consider how the bureaucratization of public administration was part of a broader transformation in the organization of power from territorially expansive and fragmented empires of difference (Benton 2009; Barkey 2008; Steinmetz 2014), to the modern ideal of contiguous nation-states: one state representing one people, congruent with and even represented by its national territory—a geographical metonym that Immerwahr (2015) has called the nation's "logo map" (see also Anderson 2006). The United States' status as simultaneously one of the first nations founded in anti-colonial struggle and an aspiring empire in its own right makes it a particularly significant site from which to observe this transition.[33] As an *empire in transition* on its way to this yet-undetermined future, Americans' revolutionary republican ideals transformed imperial norms of rule by difference into settler colonial practices of territorial incorporation, and in doing so helped territorialize state power in new ways. Although the data examined here cannot provide a direct window into the processes through which these transformations were wrought, they do identify struggles over territory as an important site of American state formation demanding further study with implications for understanding the global transition from empires to nation-states more generally.

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[33] In arguing that the United States is a unique and historically significant case of state formation, this chapter is not trying to argue that the United States was an exceptional case of political and economic development that stands outside of standard explanatory frameworks. Instead, by identifying exactly how empire and settler colonialism manifested in the United States, this chapter is better able to use these concepts to put the case of the United States in conversation with other cases of state formation throughout the nineteenth century. Doing so provincializes the United States and allows scholars to more clearly recognize the often convoluted ways in which empire and republicanism intersected in the United States (Chakrabarty 2000; Link and Maggor 2020).

Before proceeding, a clarification is in order. In developing these arguments, the contribution of this chapter may seem obvious. Since Weber's (1958: 78) definition of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory," political sociologists have identified war as the primary mechanism of modern state formation (see Tilly 1990)—and what is war if not the struggle over territory? While this is true, it takes for granted the *territoriality* of the state: its specific relationship between government, people, and land. Restoring empire to the analytical frame allows scholars to appreciate the relative recency of the norm of states being defined by rule over territory. Empires established relations of domination, demanded tribute, and enjoyed special privileges such as the ability to extract resources and, as Weber astutely observed, hold a monopoly over the legitimate use of force. Empires, and wars to extend empires, ruled over subject populations—not territory itself. However, in nation-states territory becomes the ultimate carrier of jurisdiction and the default container of social and economic life. National borders become the borders of national peoples, national economies, and national histories.[34] It is to struggles over territory that this article directs scholars' attention as key sites where questions of belonging, governmental power, and the boundaries of the evolving state were renegotiated in the long nineteenth century.

WEBERIAN, IMPERIAL, AND SETTLER COLONIAL PERSPECTIVES ON EARLY AMERICAN STATE FORMATION

For decades, scholars have vigorously debated how to conceptualize American state formation. This chapter begins by synthesizing this literature to describe three frameworks for theorizing American political development: first, the Weberian framework that has provided a conceptual foundation to this field, and then emerging imperial and settler colonial perspectives.

Weberian Framework: Modern State Formation as the Evolution of Administrative Institutions

Thus far, scholars of American political development have primarily used what I call here a Weberian framework to analyze American state formation.

In the post-World War II period, as political scientists and sociologists sought concepts that could "bring the state back in" and theorize the significance of the state independent of interest groups or classes (Evans, Rueschemeyer, and Skocpol 1985; Mann 1984; Skocpol 1979; cf. Dahl 1961; Milliband and Poulantzas 1972), the writings of Max Weber gained traction with

34 Although other scholars have noted the territorialization of state power (Mann 1983; Mukerji 1997, 2009, 2010a) or power more generally (Foucault 2009; Maier 2000, 2016) in the long nineteenth century, they have not identified the United States as a particularly important site from which to observe these processes. Instead, these studies have either adopted a universalizing view from nowhere that attributes the territorialization of state power to technological changes such as the railroad and telegraph (Maier 2000; Mann 1983), or focused on how processes such as changing conceptions of pastoralism and landscape (Mukerji 2009, 2010b), and urbanization (Foucault 2009) *within* Europe contributed to this transformation. This chapter builds on an existing literature illustrating how imperial administration (Anderson 2006), and more specifically, the settler colonial fixation on land (Ford 2010), were also important mechanisms—and perhaps even the most significant sites—of this transformation.

anglophone scholars (see also Connell 1997). By conceptualizing the modern state as a legal-rational bureaucracy to be competed over in the domain of politics, Weber usefully separated the public administration from political contestation and thereby provided a basis for theorizing the relative autonomy of the state. For Weber, and for subsequent scholars in what has become the dominant framework for conceptualizing the state (e.g., Bourdieu 1994, 2015; Mann 2012: 54-63), it was precisely the bureaucratized nature of public administration that distinguished the modern state from its earlier forms. During the long nineteenth century, states evolved from being extensions of the personal power of princes and notables that provided limited war-making, order-maintenance, and juridical functions, to permanent bureaucracies that impersonally administered all manner of social and economic policy in the name of a universal public interest (Bourdieu 2015; Mann 2012: 358-360; Weber 1958). As such, from a Weberian perspective, studying the formation of modern states *qua* states meant studying the evolution of their administrative institutions.

Taking their cues from this tradition, scholars of American political development have looked to the United States' administrative institutions to study American state formation. Early studies focused on the post-Civil War period as the determinative period for the expansion of systematic, bureaucratized administration (Bensel 1990; Skowronek 1982; Skocpol 1992). This work characterized the antebellum United States as primarily a means for the distribution of the spoils of office that—lacking a cadre of permanent, professionalized civil servants—also lacked systematic policy making (Skowronek 1982). Weber (1958) himself characterized the United Status as "amateur administration" by the appointees of political machines.[35] According to this early literature, it was only after the North's victory in the Civil War that the supremacy of centralized, federal authority was solidified and the federal government began taking a more vigorous role in economy and society (Bensel 1990, Skocpol 1992). The 1883 Civil Service Reform Act laid the groundwork for the establishment of a permanent bureaucracy and the subsequent expansion of American administrative capacities (Skowronek 1982).

Later studies challenged this characterization of a weak or absent antebellum American state on two fronts. One stream of scholarship demonstrated how antebellum practices, such as the construction of a fiscal system to finance early American wars through debt (Edling 2014) and the petitioning process (McKinley 2016, Carpenter 2021), as well as the emergence of bureaucratic autonomy in early executive agencies such as the Postal Service (Carpenter 2000; John 1995), helped lay the groundwork for centralized administration. A parallel stream of scholarship asked scholars to think beyond centralized bureaucracies when looking for signs of American state formation. This scholarship argued that Americans' republican preference for limited central government led the United States to develop a particularly "delegated" or hidden mode of governance that did not conform to a narrowly Weberian understanding of the state

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[35] Anticipating later work within American political development (Balogh 2009; Novak 2008), Weber (1958: 110) attributed this situation to "the high degree of democracy in the United States—a 'New Country.'" According to Weber, republicanism provided the ideological underpinnings for the relatively early emergence of mass suffrage which in turn produced a system of patronage-driven, mass party politics that stymied the growth of centralized bureaucracy.

(Balogh 2009; Novak 2008). This conceptual reorientation allowed scholars to analyze how federal land policy was used to indirectly direct migration (Frymer 2014), to explain why federal intervention could be so much more visible "out of sight" on the United States' territorial hinterlands (Ablavsky 2022, Balogh 2009; Saler 2014), and to expand scholars' analytical scope to state governments' incorporation practices as early expressions of economic policy making (Hilt 2017; Larson 2001).

Empire and Settler Colonialism: Alternative Frameworks to Interpret Modern State Formation

Today, scholars no longer characterize the antebellum United States as prior to a postbellum, determinative period of American state formation and now look beyond centralized administrative agencies for the origins of the American state. With this revised perspective, scholars are paying renewed attention to antebellum political development (see Rao 2020 for a review). This work has significantly expanded scholars' knowledge of the activities and dynamics of the early American state, and has illuminated a complex interplay between the United States' founding republican ideals, its practices of territorial expansion, and the opportunities and limitations therein for building an American state.

Territorial Expansion and the Antebellum American State

On one hand, territorial expansion helped define the early American state. Under the Articles of Confederation, at a time when the role of federal government in the new republic was not clear, the Northwest Ordinance delimited a space for federal authority in controlling the incorporation of new states (Onuf 1987). Similarly, the Constitution restricted to the federal government the right to treat with Indian nations. These policies were not only strategies to establish federal supremacy (Ablavksy 2020), but also attempts to control land-hungry settlers whose ambitions often exceeded early American military capacities and disregarded federally recognized Indian property claims and sovereignty. Ongoing negotiations with Indigenous peoples in the antebellum period pushed the United States to develop a particularly territorialized understanding of sovereignty and to clarify its understanding of separate powers (Alabsky 2019, 2020; Blackhawk 2018; Ford 2010).

Despite these restrictions, settlers could not be deterred. It was often individual settlers, and sometimes even states, pushing west ahead of federal policy that drove the pace and intensity of Indigenous dispossession. Early Americans understood land- and property-ownership as essential to cultivating the freedom and independence at the heart of republican liberty (Morgan 1972; Foner 1970). In the language of Thomas Jefferson, the United States was constructing a benevolent "empire for liberty" of self-governing states that would one day stretch across the continent (Onuf 2000). The United States' republican commitment to popular sovereignty made settlers confident that their government would be responsive to their pleas. Images of republican liberty animated settlers, who pushed west ahead of federal policy to squat on the public domain, often stoking conflict with the land's Indigenous inhabitants in the process. Petitioning offered a way for such settlers to seek protection from their federal government and to ratify their land titles (Ablavsky 2021, Carpenter 2021). In the early period, states such as Georgia and New York State contravened federal authority to directly deal in Indigenous lands (Hauptmann 1999, 2003; Hobson 2016).

Once secured, vast western lands provided a laboratory to cultivate federal authority and valuable resources to build the new nation. In a context where centralized power was perceived with suspicion, it was in the territories that the federal government could take on effectively direct colonial administration (Go 2011), and experiment with a strong central state exercising policies directing all manner of social and economic development (Balogh 2009; Saler 2014). The successive waves of western lands that came under federal control provided fuel to a patronage machine that largely dealt in public positions in the Postal Service and Land Office or by meting out special privileges to railroad and canal companies (Rohrbough 1968; Skocpol 1992). Those same public lands provided the revenue streams and land grants that allowed a weak central state to govern robustly via the use of land policy that could indirectly regulate settlement and provide revenue streams that circumvented direct taxation (Frymer 2014). Ambitions for a continental empire for liberty and recurrent conflicts with Indigenous peoples on the frontier spurred the United States to develop its fiscal-military state for the protection of Western settlers (Calloway 2015; Edling 2014).

In light of this work, scholars have begun to describe the early United States as an empire or settler colony (e.g., Ablavsky 2020; Frymer 2017; Saler 2014). They have done so, however, largely in isolation from the broader literatures on each, and without challenging the Weberian conceptualization of modern state formation.[36]

For example, within the Weberian framework scholars have discussed how the lands acquired through imperial expansion and settler colonial Indigenous dispossession provided conditions that helped enable the "out of sight" and late emergence of centralized authority (e.g., Ablavsky 2021; Balogh 2009; Frymer 2014; Saler 2014). Looking beyond the Weberian framework, scholars have linked the United States' imperial and settler colonial origins to the formation of race and gender in the United States (e.g. Frymer 2107, Saler 2014; for work outside of American political development see Glenn 2015; McKay, Vinyeta, Norgaard 2020; quisumbing king 2018). Others have foregrounded the dispossessive capacities of republicanism as a way to ask difficult questions about democratic governance (e.g., Carpenter 2021).

While this work is essential, by limiting scholars' understanding of modern state formation to the analysis of administrative institutions, the Weberian model also limits scholars' ability to conceptualize how imperial and settler colonial dynamics transformed the American state *as* a state beyond supporting the emergence of delegated governance. Nor does the Weberian model do justice to the task of conceptualizing the significance of American state

[36] See fn. 1-2 for a discussion of why empire has been elided in studies of American political development. In the case of settler colonialism, scholarly debate over the limits of the concept and its applicability to the United States (e.g., Ostler and Shoemaker 2019) has also limited the number of studies analyzing American political development through an explicitly settler colonial framework (although see Ford 2010 and Saler 2014).

formation beyond the American case. To move past this impasse, this chapter draws from the literatures on empire and settler colonialism outside of the case of the United States to consider dimensions of modern state formation beyond the evolution of administrative institutions.

Defining Empire as Territorially Fragmented Rule by Difference

In the literature reviewed above, scholars of American political development have largely deployed the term "empire" to refer to the early United States' practices of territorial expansion. However, the broader sociological and historical literature understands empire to encompass dynamics beyond territorial expansion. I draw from this broader scholarship on empire to identify two interrelated features that can help illuminate the implications of conceptualizing the early American state as an empire: empire's relationship to *social difference,* and empire's relationship to *territory* (see also Jung and Kwon 2013).

For empires, social difference was a source of political legitimacy and stability. Empires can be defined as "expansive, militarized, and multiethnic political organizations that significantly limit the sovereignty of the peoples and polities they conquer" (Steinmetz 2014; 79).[37] One strategy for maintaining the stability of sprawling, multiethnic empires was to take advantage of differences *between* political subunits to keep subunits isolated from one another and thereby stymie coordinated dissent (Barkey 2008). In the colonial period—of which the United States was born—racial and gender differences constructed *within* subjugated societies and between colonizer and colonized help justify imperial domination and maintain the social boundaries that organized everyday domination (Connell 1997; Go 2020; Steinmetz 2003; Stoler 2010).

This social heterogeneity was complemented by the spatial fuzziness of imperial rule. Despite claims to supremacy, the reality of imperial rule was one of uneven jurisdiction (Ablavsky 2019). Power emanated from the imperial center of the metropole but was only effectively exercised in "enclaves and corridors" (Benton 2009), thereby giving empires "spoke and wheel" (Barkey 2008), "tentacular" (Steinmetz 2017), or "spongy" (Maier 2016) territories of effective rule. Simultaneously, empires lacked fixed, linear borders. Borders were temporary stopping points for empires on the rise, and zones of defensive consolidation for empires under attack (Maier 2016). In this way, empires produced uneven, fragmented geographies of power.

Identifying these features of empire allows scholars to appreciate how distinct empires are from the nation-states that emerged in the twentieth century, and thereby to consider dimensions of modern state formation beyond Weber. Characterizing empires as the territorially fragmented rule by difference highlights how, by contrast, nation-states are organized around the imaginary of social and spatial homogeneity: one nation—one *people*—uniformly and equally represented by one state (Smith 1983; Jung and Kwon 2013).

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[37] This broad umbrella definition accommodates the many forms of empire the colloquial usage of the term suggests, from extensions of "soft" power and indirect forms of influence to outright conquest and occupation. Empire, according to this minimal definition, can equally refer to the Roman or Chinese empires of antiquity and to the informal American military, economic, and cultural empire of the twentieth century.

Applying this insight to the literature on the antebellum American state reviewed above, restoring empire to the analysis of modern state formation directs scholars' attention to early American practices of territorial expansion as an important site of modern state formation. Instead of seeing those practices as the unremarkable activities of a proto-modern state carrying out basic functions of war-making and protection (Tilly 1990), or as the incidental conditions for the emergence of centralized authority in the post-Civil War period, an imperial framework interprets those practices as the core activities of American empire.

Significantly, an imperial framework highlights the peculiarity of American political development: namely, the fact that the United States diverged so sharply from imperial norms of rule by difference. Instead of creating an empire of difference, the United States sought to create a republic of equal, self-governing states. Admitting new states to what Thomas Jefferson called this "empire for liberty" required eliminating distinctions between conqueror and conquered, ruler and ruled (Onuf 2000). In articulating this vision, early Americans were effectively envisioning an empire without a metropole—a horizontal political community more akin to modern nation-states than to the empires dominant at the time. Although this ambition broke down in the postbellum period as the United States expanded its overseas empire and established a bevy of permanent dependencies (Immerwahr 2015), in the antebellum period the United States vigorously expanded westward. Between its founding and the Civil War, the United States grew from thirteen states hugging the eastern seaboard to a continental empire of thirty-four states and eight organized Territories stretching from sea to shining sea. It is in light of early Americans' republican ambitions to extend full statehood to this entire area that Max Edling (2021) argues that what the United States sought was not so much imperial expansion but rather *incorporation.* To make sense of this particular mode of governance, this chapter brings in a third concept: settler colonialism.

Settler Colonialism and Territorial Incorporation

Settler colonialism can be understood as a subtype of colonialism, which is itself a subtype of empire. Colonialism is the form of empire that entails "the conquest of a foreign people followed by the creation of an organization controlled by members of the conquering polity and suited to rule over the conquered territory's indigenous population" (Steinmetz 2014: 80). There has been great variation in the forms colonial empires have taken, ranging from rule via chartered companies, to indirect rule administered through local elites, to direct administration by the imperial center. Settler colonialism is a form of colonialism that is characterized by an "eliminatory logic" towards Indigenous peoples (Wolfe 2006: 288). Instead of seeking to create a permanently subordinate class as in the imperial rule by difference, settler colonialism "destroys to replace" (ibid). The primary motive of settler colonialism's eliminatory logic is access to territory upon which new settler society can be erected (Tuck and Yang 2012: 5; Sabbagh-Khoury 2022: 47; Wolfe 2006). As Patrick Wolfe wrote, "territoriality is settler colonialism's specific, irreducible element" (2006: 388). Settlers want land, but not the people associated with that land.

The concept of settler colonialism helps scholars distinguish between the specific form that empire took in the United States and empire in general. Unlike the classic form of empire, which creates territorially fragmented empires of difference, the specific form of empire expressed in settler colonialism aims towards *territorial incorporation* and *social homogenization*. While empire accommodates and even produces difference as a way to maintain political and economic control, settler colonialism produces but then seeks to eliminate difference in its quest to construct a homogenous, "settled" society.

To say settler colonialism seeks homogenization is not to downplay the existence of divisions within settler society: namely, in the case of the United States, divisions expressed in the racialized differences constructed between white, Black, and Native, and the sectional differences between slave and free states that would ultimately lead to the Civil War. Settler society is a form of colonial society where imperial practices of rule by difference are also in play. However, although settler society may be internally striated, it is unified as a political economic and social structure vis a vis the Native societies it aims to eliminate.

In the United States, within the realm of government action, diverse practices can be understood as working towards settler colonial ends of territorial incorporation and social homogenization. Pre-dating the Constitution, the Northwest Ordinance of 1787 provided a framework for new territorial acquisitions to be admitted as full states on equal political footing after sufficient settler in-migration and a period of federal administration (Onuf 2019). The power to establish a postal service was enshrined in the Constitution, reflecting early Americans' understanding that a robust communications network was necessary to ensure national integration (John 1995). Infrastructure projects from railroads to irrigation works were built throughout the United States to promote settler migration, create the material conditions that could support settler ways of life, and bind the nation's economic interests together (Dillon 2020; Karuka 2019). These projects often acted as "colonial beachheads" to break up Native title (Curley 2021; Karuka 2019; Hauptmann 1999). This is not to speak of the full range of Indian policies enacted in the antebellum period to acquire Indian lands, from treaty-making to full removal (see Saunt 2020). To promote the social integration of newly acquired lands, as settlement expanded westward, territorial governments used their authority to promote settler social and economic structures by legislating domains such as marriage and property ownership (Saler 2014). Another way to promote social homogeneity was to withhold statehood until Territories were sufficiently white (Frymer 2017) or, as in the case of Utah where statehood was denied until polygamy was banned, until they were willing to conform to dominant social practices. In the United States, as discussed above, these government practices were often undertaken in response to popular, settler demands and did not necessarily reflect a coordinated project of Indigenous elimination.

Crucially, what was being incorporated by these practices was *land*—Indigenous populations are made to disappear, both discursively (O'Brien 2010) and in practice. While empire can be understood as primarily a form of rule over subject populations, settler colonialism transforms this to rule over land.[38]

By centering land in this way, conceptualizing the United States as a settler colony helps scholars further hone in on struggles over land as a consequential site of modern state formation. Importantly, the concept of settler colonialism also usefully gives language to the specific form of empire that emerged in the United States as a result of the contradictory position the United States occupied vis a vis empire.

The United States was simultaneously the first major nation to found itself on republican principles after anti-colonial struggle (although see Buck-Morss 2000 and Trouillot 1995 on Haiti), and an aspiring empire from its earliest days. As the literature reviewed above suggests, what emerged from this collision of republicanism and empire was the territorial expansion of the United States on an effectively settler colonial basis.

In forging this new mode of colonialism, the United States reconfigured relationships between government, territory, and land. As settlers and their government fought to expand their empire for liberty, their struggles over land territorialized state power in new ways. To take one example, it was in trying to negotiate relations of sovereignty and jurisdiction in the United States' new territorial acquisitions that territory became seen as the primary marker of legal jurisdiction and sovereignty (Ablavksy 2019, 2020; Ford 2010). Analyzing American political development through imperial and settler colonial frameworks illuminates how these struggles were not just land grabs, but moments of incremental transformation in the United States' transition from an empire of difference to the ideal of a homogenous nation-state. The United States' status as one of the earliest postcolonial nations may suggest that its transition represents a particularly early, naked, or acute instance of these transformations. Therefore, analyzing the United States as an empire or settler colony not only illuminates new aspects of American state formation—it also helps scholars theorize the significance of the case of the United States in the broader global transition to modernity more generally.

Implications of Weberian, Imperial, and Settler Colonial Frameworks for Analyzing the Early American State

Thus far this discussion has developed three frameworks for analyzing modern state formation: Weberian, imperial, and settler colonial. Here, I summarize the implications of each of these frameworks for the analysis of antebellum Congressional data. When faced with data representing the totality of Congressional activity, how does each framework direct scholars' attention to different aspects of legislative activity and provide different ways of interpreting their significance? What empirical expectations does each framework generate for what scholars will find in the data?

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[38] This is not to say that non-settler colonial imperial practices of colonial administration did not also contribute to a re-territorialization of state power. For example, Benedict Anderson has argued that the censuses and maps produced by colonial administration provided late-nineteenth-century residents a grammar through which to "imagine" the nation as a single population coterminous with a defined territory (Anderson 2006: 163-186).

The *Weberian* framework directs scholars to study American political development as the evolution of its administrative institutions. From this perspective, scholars have conceptualized the antebellum American state as a patronage machine that engaged in limited systematic social and economic policy making. Instead of rationalized policy making, scholars operating within the Weberian framework would expect to see evidence of a patronage machine doling out the spoils of office: positions in land offices and postal roads, and special privileges granted to private corporations. Outside of patronage politics, the Weberian framework predicts a state stripped to its barest functions of war-making and protection. Frontier administration would be interpreted as evidence of a limited central state forced to work out of sight. Similarly, scholars would expect to see the more visible or vigorous instances of government action delegated to local state governments or private corporations. These dynamics would be interpreted as evidence of Americans' republican preferences for limited centralized authority.

Analyzing the antebellum United States as an *empire* would foreground its efforts for territorial expansion. Instead of being interpreted as the basic functions of a limited state, war-making, defense, foreign affairs, and the fiscal arrangements necessary to maintain an effective military would take center stage in an analysis of the early United States as an empire. An imperial framework would expect that these activities would occupy a substantial part of the early American state's attention.

Given that *settler colonialism* is a type of empire, empire and settler colonialism are nested frameworks with overlapping empirical expectations. Scholars analyzing the early United States in either of these frameworks would expect to see substantial governmental activity devoted to territorial expansion. Government activities within new territorial acquisitions oriented towards producing and maintaining permanent relations of colonial subordination would be evidence of empire in the traditional sense. Government activities in new territorial acquisitions oriented towards the erasure of Indigenous economy and society, the extension of settler society, and the incorporation of new territories on equal footing with the imperial center would be interpreted as evidence of settler colonialism. Definitively differentiating between the two would require a more detailed examination of the content and aims of the policies that follow territorial conquest than what the data examined here can provide. However, the literature discussed above provides contextual information that informs the subsequent analysis.

Significantly, while a Weberian framework conceptualizes the United States as an aberrant case of modern state formation peripheral to the ideal typical bureaucratized, centralized state that emerged in Western Europe, imperial and settler colonial frameworks put what was happening on the United States' territorial hinterlands at center stage and illuminate the United States as a significant case of state formation in the transition from empires to nation-states. Analyzing the United States as an empire foregrounds the collision between imperial norms of rule by difference and republican ideals of equality and self-sovereignty. A settler colonial framework allows scholars to appreciate the recurrent struggles over land in American history as key sites where these contradictions between empire and republicanism were being negotiated. These struggles may have not only helped build the American state but also helped territorialize how states exercised power and rendered national economies, populations, and territories as spaces *to be* bureaucratically governed.

DATA AND METHODS: USING CONGRESSIONAL ACTIVITY AS A WINDOW INTO THE EARLY AMERICAN STATE

Despite the flourishing literature in American political development, scholars lack comprehensive data on the activities of the antebellum American state. Existing studies of legislative activity with sufficient historical scope are limited to roll call voting data (Poole and Rosenthal 2000), or samples of significant legislation (Ansolabahere et al. 2018). Comprehensive data on petitions to Congress testify to the popular issues of the day without speaking to how these issues translated into government action (Blackhawk et al. 2020; Carpenter 2021; McKinley 2016). And while scattered statistics on public expenditures are available (e.g., Mann 1991: 358-401; Wright 2008), this data is not systematic, often reported at high levels of aggregation, and not described in a way that allows scholars to harmonize data over time. Just as significantly, such data is limited to capturing activities that involve money transactions, leaving out the diverse issues requiring governance that otherwise also occupied early government. Absent this comprehensive data, scholars use theory to strategically approach the early American state one slice at a time, honing in on whatever dynamics and domains of government action their theoretical frameworks direct them towards as particularly important.

The data assembled here provides scholars an alternative perspective. It constructs a novel dataset from the indices of the *Congressional Record*, 1789-1861 (N=12,658), to offer a holistic window into the activities of the early American state. Doing so provides a reference point against which to evaluate three frameworks for analyzing American political development in a way that not only allows scholars to compare the empirical expectations of each, but also helps visibilize the different analytical lenses and broader theoretical implications of each.

The *Congressional Record* and its predecessors (the *Annals of Congress,* the *Register of Debates,* and the *Congressional Globe*) are the official record of proceedings on the House and Senate floor.[39] These extensive publications aim to provide a comprehensive record of all legislative proceedings and debates, with later volumes providing near transcripts of floor speeches. As an indicator of how rich these records are, it can be noted that the first Congress required 2,418 pages to record its proceedings. With records becoming more complete as time went on, the proceedings of the 36th Congress, the last Congress to appear in this dataset, stretched to 4,751 pages.

Given their length, the sheer size of the Congressional Record can be overwhelming to researchers. While optical character recognition (OCR) technologies and automated text analysis techniques are making the analysis of similarly large corpuses possible, the difficulties of

[39] From here on, whenever "Congressional Record" is not italicized it will be referring to this series of official records of Congress (i.e., *Annals of Congress*, *Register of Debates*, etc.). The italicized *Congressional Record* will refer to only the records published under that name.

Figure 2.1 Example of index entries in the Congressional Record

HOUSE OF REPRESENTATIVES.

A. Page.

Accounting officers of the Treasury, War, and Navy, a bill respecting the, received - 1209
rejected - - - - - - - - 1234
Acts, records, and judicial proceedings, a supplementary bill in relation to public, presented - - - - - - - - 555
recommitted - - - - - - - 625
another bill reported - - - - 975
passed - - - - - - - - 1227
Adams, Samuel, resolution of respect to the memory of - - - - - - - 379
Adjournment, the subject under consideration - 1094
takes place - - - - - - 1244
Alexandria, D. C., a petition of the citizens asking alteration in their charter, read and referred - - - - - - - 940
a bill to amend the charter of, presented - 979
under consideration - - 985, 1020, 1023
amendments received and agreed to - - 1044
Aliens. (See *Naturalization*.)
Alston, Mr., of North Carolina, remarks of, on an amendment to the Constitution - - 430
on the bill in relation to slaves - - - 1029
Appropriations, a bill making, for the Military Establishment, presented - - - 791
amended - - - - - - - - 797
passed - - - - - - - - 801
amendments received - - - - 930
referred - - - - - - - - 941
other action - - - - 942, 952, 976
a bill making for the Navy, presented - 794
amended - - - - - - - - 801
passed - - - - - - - - 804

Page.

Appropriations, a bill making, for the support of Government, presented - - - 942
under consideration - - - - - 1042
passed - - - - - - - - 1043
amendments received and agreed to 1099, 1131
a bill making, for the expenses of the Convention with Spain, presented - - 1052
under consideration - - - - - 1068
passed - - - - - - - - 1081
amendments received and agreed to - 1082, 1083
a bill making, for the expenses of inquiries into the official conduct of certain judges, presented - - - - - - - 1126
passed - - - - - - - - 1130
amendments received - - - - 1190
other action - - - - - - 1194
Army. (See *Military Establishment*.)

B.

Balances of debt, resolution respecting, moved - 515
under consideration - - - 888, 913, 930
Baldwin, Mr., remarks of, on the Virginia contested election - - - - - 1082
Bankruptcy, resolution moved respecting - - 557
under consideration - - - - - 616
adopted - - - - - - - - 621
a bill to repeal the act in relation to, presented - - - - - - - - 623
passed - - - - - - - - 631
Bank of the United States, a bill respecting subscribers to the, presented - - - 1189
passed - - - - - - - - 1195
a bill to establish a branch at New Orleans, presented - - - - - - - 1189

Figure 2.1 Example of index entries in the Congressional Record taken from the *Annals of Congress,* House of Representatives,18th Congress.

extracting accurate text data from historical documents affords these techniques limited utility absent extensive, often manual, data cleaning.

To address these challenges, the author—along with a team of undergraduate research assistants—constructed a dataset using the *indices* of the Congressional Record. This takes advantage of the thousands of hours of work that past Congressional librarians spent indexing these legislative proceedings, and—in the present day—in making this data available online for the 1st through 42nd Congresses in plain text format via the Century of Lawmaking project at the Library of Congress.

Each index entry was counted as one observation. For the purposes of this analysis, I conceptualize index entries as coarse but relatively unbiased summaries of the topics of legislative debates. As an indicator of the amount of attention and legislative activity each topic garnered, the number of pages associated with each index entry was also recorded. Index entries were relatively descriptive and straightforward to parse. For example, the first entry in Figure 2.1 reads, “Amendments to the Constitution, relative to the election of President and Vice President,” followed by references to the associated bill's proposal, printing, amendments, and fate of being laid on the table. This entry would count as one observation, and would be recorded as having eight associated page numbers. Particularly contentious topics would have more associated page numbers, as indexers would add page numbers to reference specific Congressmen's remarks in extensive debates. Therefore, the number of pages associated with each entry can be conceptualized as a rough indicator of Congressional *activity,* a category that includes both legislative action (e.g., the progress of a bill through Congress) and debate.

This dataset contains all index entries of the Congressional Record of the House of Representatives for the first eight Congresses, and then Congresses meeting at the start of the fifth or tenth year of each decade (19 of the first 36 Congresses) from 1789 to 1861.[40] Each index entry was assigned 1 of 21 Comparative Agendas Project (CAP) major codes and 1 of 225 CAP minor codes that together describe all frequently occurring legislative topics. While the CAP master codebook was designed to offer a comprehensive classificatory scheme that could be applied in comparative context across nations, it has largely been implemented on data from the mid-twentieth century onwards (Bevan 2019, see the Congressional Bills Project for a U.S. application of this codebook). To accommodate entries unique to the historical and national context of this study, this study includes eleven custom minor topic codes into its implementation of the CAP master codebook (see Appendix A). The CAP coding scheme was selected for both its granularity and its widespread usage for legislative studies. These features will allow for future comparison of the data collected here with other legislative data worldwide.[41]

This data was manually collected and coded.[42] Research assistants conducted data entry and assigned initial codes. The author then reviewed all data entries, removing redundant entries and checking the accuracy of each code while ensuring the standardized application of the codebook over the entire dataset. This sampling method balanced the time and labor limitations inherent in our manual coding methods with the desire to construct as comprehensive and

[40] The length of indices generally increased over time, with the 2nd Congress having the fewest entries (N=235) and the 33rd having the most (N=1,641). The average amount of index entries was 666 (SD=450). The total number of pages referenced within the dataset was 59,041.

[41] The data reported here is already directly comparable to other legislative data coded with the CAP classification scheme. In addition to these direct comparisons, the comprehensiveness and high granularity of CAP minor topics allows for the data in this study to be readily recoded into other classification schemes, such as, for example, that used by Poole and Rosenthal (2000) and recently iterated upon by Blackhawk et al. (2021) to classify historical petitions data.

[42] A manual approach was chosen for a number of reasons. In addition to the difficulties of extracting accurate text data from historical documents, as discussed above, the short length of individual index entries and the importance of historical context for accurately interpreting the topics of index entries (e.g., recognizing that "Invalid Pensioners, resolution relative to" in the 3rd Congress referred to veterans affairs and not employee benefits) suggests that any automated classification methods would have to be supervised on a very fine-grained level. These considerations put manual classification on par with automated methods in terms of time expenditure while offering the additional benefit of creating opportunities for the researcher to systematically engage the historical record and identify analytical connections that would otherwise remain overlooked.

unbiased a sample of Congressional activity as possible.[43] This process resulted in a dataset spanning the antebellum Congress, 1789 to 1861, with a total of 12,658 observations.

One of the strengths of this data is that it is unique for using the indices of congressional debates as its primary data source. Unlike studies which track successful or particularly significant bills (e.g., Adler and Wilkerson's Congressional Bills Project; Ansolabehere et al. 2018), this study includes all topics debated in the House irrespective of whether they resulted in legislation. Similarly, studies which track the incidence of different petition topics over time (Blackhawk et al. 2020) or roll call votes (Poole and Rosenthal 2021) do not capture the full range of legislative activity and, particularly in the case of roll call votes, can be difficult to interpret as indicators of the overall proportion of topics taken up in any given Congress. To the author's knowledge, this is the most comprehensive dataset characterizing early federal legislative activity.

While this study offers a comprehensive window into legislative and debate activity on the House floor, it cannot speak to topics that may have been central concerns of the early American state but were never debated because they were taken for granted and therefore uncontested, reflecting what Lukes (2004) would call the third dimension of power. The case of slavery also suggests that topics that were highly divisive may be under-observed here. This study finds a relatively low incidence (1.52%) of Congressional activity directly related to slavery. However, even a cursory reading of the full text of the Congressional Record demonstrates that slavery was far from absent from Congressional debates. Slavery was discussed constantly: as the question of slavery in the territories, the question of states' rights versus federal power, the question of the distribution of public lands to "free soil" settlers, or even the question of the route of the first Transcontinental Railroad. Nonetheless, slavery rarely appeared as its own topic in legislative debates. This may have been for a variety of reasons. First, given that slavery was such a sensitive topic, Congressmen may have been reluctant to have their remarks on slavery easily discoverable. Second, given the ubiquity of debate over slavery, accurately identifying and recording every instance of its debate would pose practical challenges for indexers and produce bloated index entries of diminishing utility to readers. The extent to which questions of slavery were largely subsumed into questions of territory management helps contextualize the high incidence of territory management topics observed here and raises the question of what examining these kinds of debates can teach us about the relationship between struggles over space, deep social cleavages, and political contention.

This study focuses on House, as opposed to Senate, proceedings because the House represents the more popularly responsive chamber of Congress. Because Representatives are re-elected every two years and are apportioned according to population instead of state, the House is better positioned to capture the shifting policy priorities of the American people (as mediated

[43] The historical scope of this study and the exploding length of indices over time made manually collecting and coding all House indices a daunting task. Coding each of the 1st through 8th Congresses suggested significant overlap between topics of adjacent Congresses. Therefore, beginning with the 11th Congress, this study only includes data from indices of the Congresses that fall on the beginning of the 5th and 10th years of each decade.

through their government) over time. Given that all bills must pass in both chambers of Congress, the major legislative topics of each session are represented in both sets of proceedings. All revenue bills must also originate in the House, placing a large area of policy concern under the House's prerogative. While presidential appointments only need to be confirmed in the Senate, from the perspective of this study such confirmations are largely procedural parts of the "normal" operation of government instead of indicators of how governmental focus and activity has shifted over time, and therefore can be omitted.

More significantly for this study, the Senate is the only chamber that is required to approve treaties. Until 1871, the United States regularly treated with Indian nations (Prucha 1997: 290-334). These treaties would be reviewed by the Senate and, if approved, would often pass to the House as the House was required to enact any appropriations required to carry out treaties. This study only captures Indian treaty-making activity to the extent that treaties required House approval, and therefore can be understood as a conservative estimate of the incidence of Indian treaties. Prucha (1997: 504) provides a comprehensive database of Indian treaties which can allow interested researchers to identify omissions from the House indices and to better contextualize the results of this study.

One limitation of this data is that it does not capture federal governmental activity occurring in the other branches of government, including state governments. However, this data does capture a significant amount of non-legislative activity. Throughout the nineteenth century presidential messages at the beginning of each congressional session provide information on the policy foci of the president, many of which would be passed on to House committees for further action and which therefore are represented in House indices. The secretaries of other executive agencies (e.g. Treasury, State, War) were also required to provide annual reports which were similarly responded to. Just as significantly, the antebellum period largely predates the development of autonomous executive agencies in the late nineteenth through twentieth centuries (Carpenter 2001). Therefore, in this study period the majority of policy making occurred in Congress.[44] This study focuses on federal, as opposed to state, governmental activity given that this study is interested in studying the evolution of the United States as a modern *national* state. Although, in the United States context, this involved a federalized government structure split between national and state-level governments, this study brackets the question of state-level government to instead focus on the evolution of national government authority. This focus on federal government both aligns with how scholars have generally studied American political

[44] Relatedly, the growing size and autonomy of executive agencies means that Congressional Record indices would become less accurate reflections of the American state as a whole as time went on. The choice to limit data collection to the antebellum period reflects this observation.

development and with popular conceptions that locate the "American" state at the federal level.[45] Nonetheless, by virtue of its comprehensiveness and relatively unbiased sampling procedures, this data offers valuable insights into how early American state makers directed their energies, and can thereby offer one means to clarify the question of how early American political development should be theorized.

Comparing Theoretical Frameworks and Abductively Constructing Theory

Stacked area charts were constructed to visualize the overall composition and changing proportion of legislative topics over time and compare these patterns with the implications of Weberian, imperial, and settler colonial analytical frameworks. Observations of legislative topics were scaled by the number of page numbers associated with each index entry.[46] Proportions were calculated by dividing the number of pages associated with each CAP topic by the total number of pages referenced in that Congress's index. Although stacked area charts can be difficult to interpret, they are appropriate for this analysis given that they allow for the visualization of the *relative proportions* of different legislative topics compared to one another at any given time point, and how this relative proportion changes over time. Using proportions, as opposed to absolute incidence, also normalizes the data to account for the increasing length of indices over time and any changes in indexing practices from congress to congress.

This study assumes that changes in indexing practices are unbiased relative to legislative topics, with an exception for private claims which is discussed in footnote seventeen and the discussion of results. Entries relating to purely parliamentary processes (e.g., calls for adjournment, adjustments to rules) and local affairs in Washington, D.C., which would have normally been addressed by local government if the District of Columbia were a state, were omitted from the analysis (N=1,274).

In analyzing the data in this way, this chapter deploys an abductive logic of inquiry (Timmermans and Tavory 2012). The goal of abductive analysis is not to set up a horse race between competing theories. Rather, the goal of abductive analysis is to generate new theoretical

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[45] If state-level data were included, studies suggest that in this period prior to general incorporation laws much of state-level legislative activity was concerned with granting corporate charters to local banking, manufacturing, and transportation concerns (Hilt 2014; Ireland 2004), and that this was a period of intense state-level support for local canal and railroad ventures (Scheiber 1975). Therefore, the debates over transportation infrastructures observed in this federal data likely only represent a small fraction of total governmental activity and can be understood as a conservative estimate of the amount of governmental activity dedicated to building transportation infrastructures. In line with Weberian interpretations of the American state, these private incorporation acts could be interpreted as both evidence of how governmental authority was routinely delegated to private actors and as the lack of rationalized, systematic policy making in this period. Powers constitutionally reserved for the federal government (such as treating with Indian nations and the management of the western territories) would be absent from state legislatures.

[46] Overall patterns of congressional activity were not sensitive to inclusion or exclusion of page numbers, although extensively debated topics were underrepresented. The results reported here include page numbers because including the number of pages associated with each index entry results in visualizations that better correspond to the amount of time devoted to each legislative topic.

insights by mobilizing this multiplicity of interpretations, each of which is recognized to be valuable in its own right.

Theories provide concepts and categories that help scholars make sense of data. Different theories direct scholars to different elements of an empirical phenomenon as significant and suggest different ways to generalize between cases. Vigorous governmental action on the frontier can look like evidence of, for example, a delegated state in one theoretical framework and like evidence of empire in another. Both interpretations produce empirically grounded knowledge that can help advance theory by helping scholars "ask new questions or to make new observations possible" (Timmermans and Tavory 2012: 174). Casing the same data through different theoretical frameworks allows for the identification and problematization of different empirical puzzles. Scholars abductively generate theory when they resolve these puzzles by proposing new theoretical frameworks that can better fit the data observed. New theory can be considered an advancement on old when it can explain both what the previous theory did and then some: "Pragmatically speaking, better theories allow for understanding of more and a broader variety of phenomena" (ibid).

This present analysis moves iteratively between theory and data at two levels. In the first level, theory is used to inform how data was aggregated and visualized. This study takes advantage of the granularity of CAP minor codes to experiment with different theoretically informed aggregations of CAP codes that best visibilize the Weberian, imperial, and settler colonial dimensions of the U.S. state. Informed by these theoretical frameworks, and for ease of visualization, the 225 CAP minor codes were aggregated into fourteen categories (see Appendix B). For example, the CAP minor codes within Housing, Education, Health, Social Welfare, Civil Rights (including discussions of slavery), Immigration, and Labor were combined into a single "Social Policy" category, while other theoretically important CAP minor codes, such as Postal Service, Transportation, Indigenous Affairs, and Land Policy, were kept separate as their own categories. Some categories, such as "Fiscal Policy," combined CAP minor codes from multiple CAP major categories. The main analysis is based on thirteen of these fourteen categories.[47] A subsequent analysis further aggregates these thirteen categories into eight meta-categories designed to visibilize the prevalence of all topics concerning territory management and their relationship to imperial and settler colonial analytical frameworks.

This data is interpreted in turn according to the Weberian, imperial, and settler colonial frameworks developed above. This constitutes the second level at which theory interacts with data in this analysis. In the case of American state formation, this process illustrates the strengths and weaknesses of each framework for analyzing early Congressional activity. By employing a

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[47] Due to data limitations, private claims are excluded from data visualization so there are only thirteen categories displayed in Figure 2. In the early period, index entries for private claims for relief included descriptive information that would allow them to be categorized within CAP major topics. These private claims largely requested relief for veterans and their dependents, although they also spanned requests for tax relief, relief from fires, or war damages. In the later period, index entries for private claims became much less descriptive, rendering them impossible to categorize.

sampling method that is agnostic vis a vis existing theory, this study allows for the emergence of unexpected observations that can challenge existing theory while placing the findings of existing research in the context of the broader activities of the early American state. In doing so, this study offers another partial perspective into the complexities of American state formation.

Looking at the totality of the early American state's Congressional activity demonstrates the high proportion of activity devoted to tasks of territory such as the maintenance of a fiscal-military state, managing affairs with foreign and Indigenous nations, the administration of the public lands and incorporation of new states, and the work of promoting territorial integration via infrastructures such as postal roads and railroads. Alternatively casing these findings through Weberian, imperial, and settler colonial frameworks reveals the value and limitations of each. While a Weberian framework can help interpret many features of this data, it neither conceptualizes these various territory management topics as interrelated nor can theorize the broader significance of their high prevalence. This chapter concludes by discussing the possibilities for combining the insights of each to conceptualize the United States as an empire in transition, wherein struggles over territory are understood as the key site of American state formation.

COMPARING WEBERIAN, IMPERIAL, AND SETTLER COLONIAL INTERPRETATIONS OF THE EARLY AMERICAN STATE

Figure 2.2 visualizes the overall distribution of legislative topics from the 1st through 36th Congress, spanning the years 1789 to 1861.

At first glance, Figure 2.2 suggests significant stability in the relative proportion of legislative topics discussed over time in the antebellum period. Although this stability may suggest that this data is not a reliable indicator of legislative priorities, spikes in certain topics during historically significant periods of time—such as the increase in Defense topics during the War of 1812, the large amount of Economic Policy topics during the Bank Wars of the 1830s, and the extensive debates over union and secession that inflated the number of Government Operations topics at the outbreak of the Civil War—suggest that this dataset is a valid measure of congressional activity. Land Policy and Transportation topics, which increase as would be expected after the Louisiana Purchase in 1803, are a partial exception to this general stability in legislative topics.

Weberian Interpretation: A Limited State Distributing the Spoils of Office

From one perspective, this data demonstrates the strengths of a Weberian framework for interpreting American political development.

Limited Scope of Policy and Weakly Rationalized Policy Making

A Weberian interpretation helps explain, for example, the relatively small proportion of legislative topics devoted to discussing comprehensive social or economic policy. Topics that populate present-day legislative agendas, such as Environment and Energy, Technology, or

Figure 2.2 Relative Proportions of Legislative Topics, 1789-1861

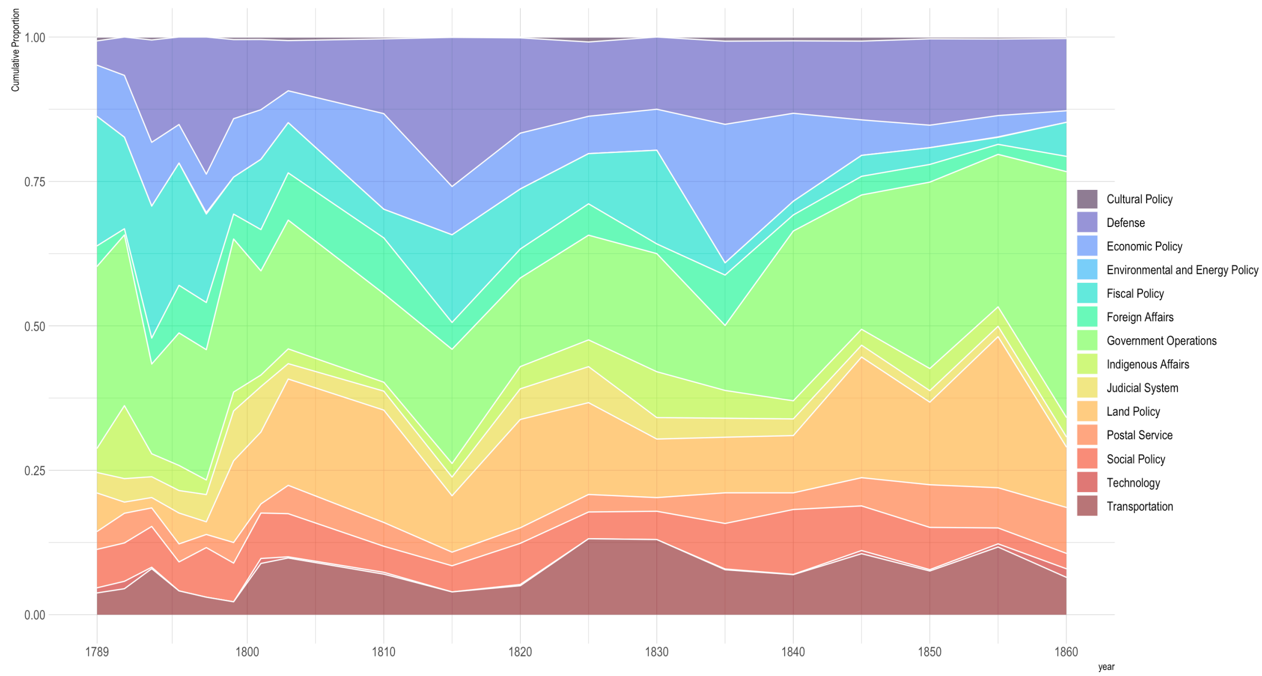

Figure 2.2 This stacked area chart visualizes how the proportion of legislative topics changed over time. The 225 CAP minor codes were aggregated into fourteen theoretically informed categories. Those categories, excluding Private Claims, are visualized here.

Culture also rarely appeared in antebellum congressional activity. These absences would be expected for any early-nineteenth-century legislature. However, the relatively small proportion of entries dedicated to Social (on average, 6.4% of each Congress) or Economic (9.0%) topics, reflects the limited reach of the early American state into direct social provision and economic regulation in the first half of the nineteenth century.[48] In accordance with the existing literature, approximately half of the social policy discussed concerned questions of veterans' and disabled persons' pensions (2.6%). Other social policy topics, such as education (0.49%), labor regulation (0.48%), public health (0.28%), immigration (0.01%), and housing (0.00%) were almost entirely absent.[49] Considering that the dedicated "Slavery" CAP minor code (1.5%) is included within this Social Policy category, this low incidence of Social Policy topics is all the more striking. Discussions of economic regulation (from which I exclude here topics concerning the national

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[48] The 23rd Congress, spanning 1833-1835, is an outlier in terms of Economic Policy. The ongoing Bank War that characterized the early 1830s dominated debate during this Congress, with a full 24.0% of debate being devoted to banking regulation and other economic policy topics.

[49] Labor policy in this time period almost exclusively concerned mariners, who received special healthcare, pension, and labor regulations (see Rao 2012).

budget or taxation, which are instead aggregated as “Fiscal Policy”) covered a wider array of topics, with an average of 2.2% discussing monetary policy, 1.2% concerning bankruptcy or banking and securities regulation, 0.58% concerning manufacturing promotion, another 0.58% concerning patents and intellectual property, and the remainder of economic policy discussion distributed across a range of topics.

While social provision was regularly discussed, it was almost exclusively in the context of petitions for private, individualized relief. Figure 2 excludes index entries dealing exclusively with private bills and requests for relief. This category includes government claims, military claims, pensions requests, petitions concerning specific tracts of land, and petitions for other forms of individual relief. In total, when taken together with the remainder of congressional activity, these topics account for an average of 15.3% of activity in any given Congress. This high incidence of private petitions supports the Weberian interpretation of the early American state as non-bureaucratized. Instead of developing rationalized, comprehensive social policy, this finding suggests that much social welfare provision in the early American state was done on a case-by-case basis.

Maintaining a Patronage Machine

In line with Weberian characterizations that describe the antebellum period as a period dominated by patronage politics, the bulk of congressional activity observed here can be interpreted as the work of maintaining and feeding a political machine. Throughout this time period, Government Operations constitute one of the most frequently discussed legislative topics. Excluding the 36th Congress (which spans the outbreak of the Civil War and therefore has a disproportionate amount of legislative activity devoted to questions of secession and the nature of the union), Government Operations topics made up an average of 22.2% of legislative topics in any given congress. This category includes general appropriations bills (4.4%), electoral regulation and contested elections (3.3%), tax collection and auditing (1.55%), currency minting (0.86%), and government property management (0.78%), a subcategory which included such questions as who would get what office on Capitol Hill. Significantly, this Government Operations subcategory includes relatively little discussion of civil service regulation (2.6%) or bureaucratic oversight and efficiencies (2.2%). Where civil service regulation was discussed in the antebellum Congress, it was in the context of the privileges afforded to legislators such as the assignment of new clerks or travel allowances—not the regulation of permanent, professionalized bureaucrats.

To fund this political machine, discussion of Fiscal Policy constituted an average of 10.4% of congressional activity. Postal Service and Transportation topics, which from a republican perspective would be interpreted as the spoils of office, make up 4.0% and 7.2% of legislative topics, respectively. These figures can be compared with the average of 6.4% of each Congress devoted to Social Policy topics.

Finally, in accordance with a Weberian interpretation, the other major components of debate activity in this time period conform to that of a limited central state operating primarily in the domains of Defense (13.9%) and Foreign Affairs (10.4%). Indigenous Affairs, including frontier defense required by conflicts with Indigenous peoples, constituted an average of 4.1% of congressional activity.

Limitations of the Weberian Interpretation: Explaining the High Prevalence of Territory Management Topics

Therefore, from one perspective, a Weberian conceptualization of American political development is very productive for interpreting this Congressional data. Consistent with Weberian interpretations, there is little evidence of debates concerning the bureaucratic administration or the rationalized pursuit of comprehensive social or economic policy. Congressional activity was constrained to the limited domains of war-making and maintaining a political machine. Further, the relatively high prevalence of Postal Service and Transportation topics can be interpreted as evidence of a political machine distributing the spoils of office.

However, although this Weberian framework is useful for interpreting some patterns of congressional activity, it leaves others out of analytical view. Namely, it does not draw sufficient attention to the third largest category of congressional debate activity: Land Policy. Nor does it provide a framework for scholars to connect this high incidence of Land Policy topics to other examples of policy making affecting the acquisition, management, or incorporation of territory.

Strikingly, an average of 12.0% of activity in any given Congress was devoted to Land Policy. This Land Policy category includes questions of general management, such as acts for western surveys or debates over how the public lands as a whole should be distributed (e.g., policies to regulate land sales, debates over how to address squatters, proposals to devolve control of the public lands to the states or to use those lands for military bounties or education grants), and acts to establish land offices. These questions of general land administration made up of an average of 5.4% of legislative topics in any given Congress. The broader Land Policy category also included topics that would today be considered part of natural resources management (0.53%), such as policies for managing mineral leases and appropriations for swamp reclamation or river clearing. Finally, this category also includes questions of administration in the United States' territorial dependencies and debates over statehood (5.7%). The prevalence of these topics puts Land Policy behind only Government Operations and Defense as the third most extensively legislated category in the early Congress.

Imperial and Settler Colonial Interpretations: Territorial Expansion and Incorporation as Core Activities of the Early American State

This data suggests that scholars need additional theoretical frameworks beyond Weber to understand the centrality of Land Policy in the early United States. To this end, seeing the United States through imperial and settler colonial lenses puts these same empirical observations in a different analytical context that can explain the patterns observed here while also accounting for the high prevalence of land policy topics (Table 2.1).

Table 2.1 Comparing Weberian, Imperial, and Settler Colonial Interpretations of Early Congressional Activity

Empirical Observation	Weberian Interpretation	Imperial Interpretation	Settler Colonial Interpretation
Limited debate of Social (6.4%) or Economic (9.0%) policy topics	Preference for limited central government with narrowly defined roles	Non-essential for territorial expansion	Non-essential for territorial expansion
Government Operations (22.2%) is most frequently occurring topic	Minimum housekeeping activities to maintain functional government	Minimum housekeeping activities	Minimum housekeeping activities
Prevalence of Defense (13.9%), Fiscal Policy (10.4%), Foreign Affairs (10.4%), and Indigenous Affairs (4.1%) topics	Preference for limited central government with narrowly defined roles	Core activities of fiscal-military state engaged in territorial expansion	Core activities of fiscal-military state engaged in territorial expansion
High proportion of Land Policy (12%) topics	Difficult to interpret	Managing new territorial acquisitions	Managing new territorial acquisitions
Relatively high proportion of Postal Service (4.0%) and Transportation (7.2%) topics	Spoils of patronage politics	Creating connections between the hinterland and metropole. The spoils of conquest.	Incorporating hinterlands to create a homogenous "settled" state

While a purely Weberian framework would find it difficult to account for the relatively high proportion of Congressional activity devoted to Land Policy, an imperial framework would interpret this activity as the expected consequence of territorial expansion. Instead of seeing the limited debate of social or economic policy topics and the prevalence of defense, fiscal policy, foreign affairs, and Indigenous affairs topics as evidence for a limited state, this pattern of activity would be seen as characteristic of the core activities of an imperial, fiscal-military state primarily concerned with acquiring and defending territory. From an imperial perspective, the relatively high proportion of postal service and transportation topics would not only be seen as the spoils of office, but also as the spoils of conquest. To the extent that these postal routes and transportation infrastructures were built to "settle" and eventually incorporate new territorial

Figure 2.3 Legislative Topics Concerning Territory Management, 1789-1861

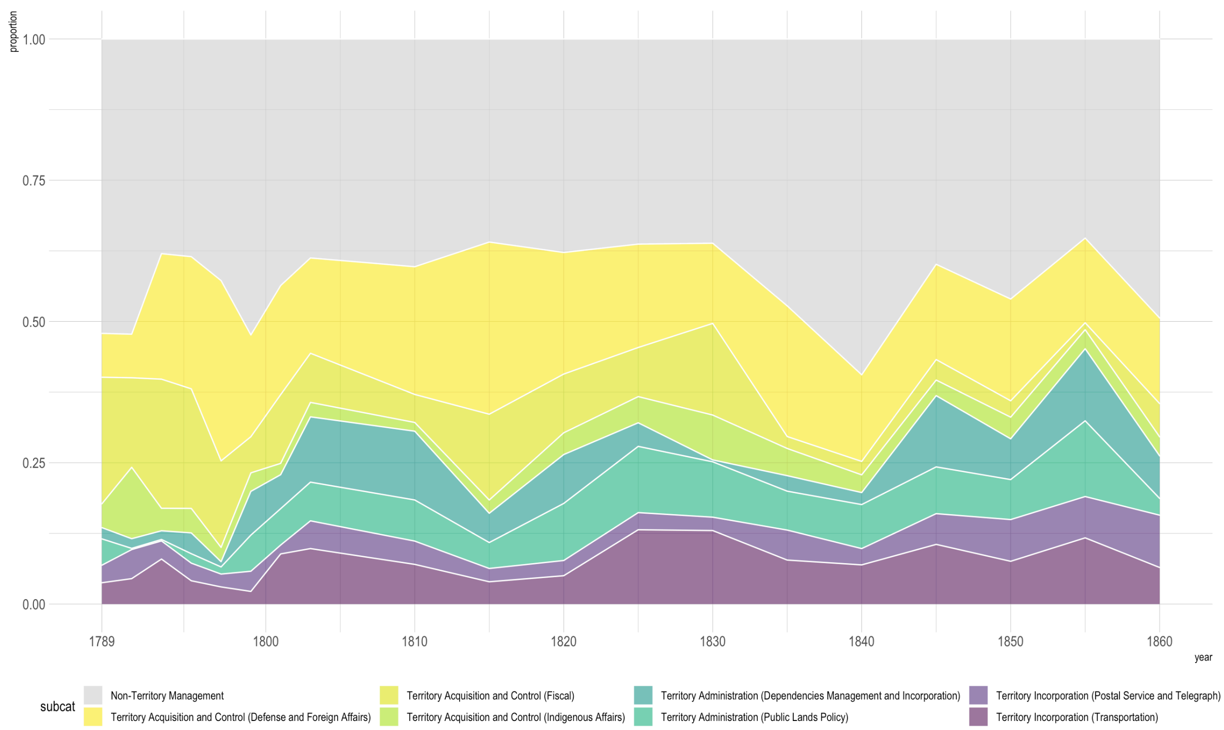

Figure 2.3 This stacked area chart visualizes the share of congressional activity devoted to Territory Management topics and the breakdown of those topics within three broad categories: Territory Acquisition and Control, Territory Administration, and Territory Incorporation. These three broad categories correspond, in turn, to Imperial, Potentially Settler Colonial, and Likely Settler Colonial activities. On average, 56.7% of debate activity in any single Congress concerned territory management.

acquisitions on equal social, economic, and political footing with the metropole, then the work of building these infrastructures would also be interpreted as evidence of the settler colonial nature of the early American state.

Figure 2.3 foregrounds the centrality of land to the early American state by visualizing all topics relating to Territory Management as colored bars and visualizing the rest in gray. Territory Management is a broad categorization including topics relating to the fiscal-military state, land policy, and transportation and postal service infrastructures. This analysis helps visualize the prevalence of such Territory Management topics in the early American state and how this varied over time. On average, 56.7% of debate activity in any single Congress concerned Territory Management.

To more directly tie this analysis to the conceptualizations of settler colonialism and empire developed earlier, Figure 3 divides Territory Management topics into three subcategories according to the degree to which they may correspond to imperial or settler colonial governmental activities.

The first subcategory, Territory Acquisition and Control, which corresponds to the yellow-green bars, concerns legislative topics that have to do with the maintenance of a fiscal-military state, in addition to Foreign Affairs and Indigenous Affairs. Given that empire is an umbrella concept encompassing many forms of extra-territorial expansion and influence, and given that these topics correspond to the work of acquiring and defending territory and negotiating with territorial others, these topics are conceptualized as the baseline activities of empire. These topics make up an average of 33.3% of activity in any given Congress over the study period.

Territory Administration topics, which are visualized in blue-green, concern the administration of new territorial acquisitions. This subcategory includes all topics within the Lands Policy category from the main analysis, disaggregated into Dependencies Management and Incorporation (e.g., acts to establish territorial governments, the work of establishing roads and other infrastructure before statehood, debates over statehood) and a residual Public Lands Policy category that includes all other Land Policy topics. These activities are within the imperial purview of administering newly acquired territories, but they may or may not be settler colonial to the extent that they are oriented towards the incorporation of territorial acquisitions on equal footing with the imperial metropole. As such, they can be interpreted as potential evidence of settler colonial governance. These topics constitute an average of 12.0% of activity in any given Congress.

Finally, Territory Incorporation topics are visualized in purple. This subcategory includes Postal Service and Transportation topics, such as acts to establish new postal routes or bills to grant special privileges to specific railroads or canals. These activities are interpreted as pre-requisites to the incorporation of new territories on equal economic, social, and cultural standing with the metropole. Accordingly, within the broader umbrella conceptualization of these topics as imperial, this subcategory identifies congressional activity that is most likely to reflect settler colonial governmental activities. These topics constitute an average of 11.4% of activity in any given Congress.

A word of caution: while these data are visualized to highlight differences between Weberian, imperial, and settler colonial interpretations, these classifications are only provisional given the nature of the underlying data. Given that the difference between empire and settler colonialism lies in the intent behind imperial administration—either rule through difference or the establishment of a homogenous settler nation—this data cannot definitively distinguish between these two types of activities. Imperial expansion may or may not have appeared as if it required Indigenous erasure at different times to different legislators, and undoubtedly there were gaps between the intent and impact of various policies. These data cannot differentiate, for example, between a proposal to build a railroad with the intent to streamline the colonial administration of a permanent dependency versus with the intent to usher settlers westward to a territory slated for future, full incorporation, nor whether this intention may have shifted over time. Moreover, these categories hide significant variation. Indigenous Affairs are presented here as a single category. However, within this category there are both appropriations for treaties to acquire Indigenous lands and debates over Indian removal. The choice to divide these topics into these three subtypes of Territory Management and link them to empire and settler colonialism in this way reflects the author's judgement on the intent of the majority of policies classified in each topic (e.g., many more discussions within the Indigenous Affairs topic concerned treaty appropriations than Indian removal) and the intent behind various discussions (e.g., railroads were explicitly discussed as a tool to promote western settlement so they are classified as Territory Incorporation topics; oftentimes new territorial acquisitions came with genuine ambiguity as to their future within the United States so debates over their administration are considered Territory Administration). To produce more precise classifications, extensive research beyond the scope of this study would be necessary. Nonetheless, analyzing the available data in this way helps visibilize the centrality of territory management and illustrates the strengths and limitations of different conceptualizations of American political development.

Significantly, compared to a purely Weberian framework, imperial and settler colonial frameworks better account for the centrality of territory management topics to the early American state. Figure 2.3 suggests that Territory Management was a core activity of the early American state—an observation neither predicted nor easily interpreted by a purely Weberian conceptualization of American state formation. Even excluding the high incidence of fiscal-military topics, which a Weberian framework would interpret as the core activity of any pre-modern state, an average of 23.4%—effectively one fourth—of congressional activity in any given Congress of this period directly related to questions of administering or incorporating the United States' vast territories. Studies operating from within a Weberian framework that focus on the evolution of administrative institutions or the expansion of social and economic policies leave this observation out of view. Instead, imperial and settler colonial frameworks put land at the center of how scholars conceptualize American state formation.

DISCUSSION AND BROADER IMPLICATIONS: THE UNITED STATES AS AN EMPIRE IN TRANSITION

The data analyzed here reveals an antebellum American state primarily occupied with the imperial and settler colonial tasks of territorial expansion and incorporation. The Weberian framework of modern state formation leaves this observation out of view. Conceptualizing American state formation as a case of late or delegated state formation *à la* Weber can neither account for the high prevalence of territory management topics in early Congressional activity nor theorize the broader significance of those activities.

Restoring empire to the analytical frame provides an alternative understanding of state modernization as the transition from territorially fragmented and expansive empires of difference to territorially contiguous, homogenous nation-states. This conceptual re-orientation asks scholars to expand how they understand the *outcome* of modern state formation, as well as reorients *where* scholars look to study state formation processes. Instead of looking to the evolution of administrative institutions, this re-orientation invites scholars to attend to changing relationships between government, people, and territory to observe modern state formation. As the data analyzed here demonstrates, the case of the United States illustrates how doing so will allow scholars to better attend to what nineteenth-century states actually did with concepts and language that better reflect the debates that actively preoccupied state builders. Given the summary nature of the data analyzed here, much further research is needed to fully develop the implications of this reframing for the American case. The existing literature provides many clues as to what scholars may find when they put empire and struggles over land at the center of their analyses.

Putting land at the center of American state formation reveals a contradictory totality. The fragmented, territorially expansive nature of early American empire allowed the "American state" to be different things to different people in different times and places, and Americans pragmatically drew from multiple, sometimes contradictory logics to mobilize government in pursuit of their interests. The early United States could accommodate a brutal regime of slavery —perhaps the ultimate form of rule by difference—in its southern states, while proselytizing an empire for liberty and denouncing slavery in its north. In the spirit of their republican ideals, early Americans could demand that the nascent American state be "out of sight" on the eastern seaboard while at the same time rely on a vigorous government for imperial expansion and colonial administration in the west.

Territorial expansion forced Americans to confront these contradictions. Instead of creating an empire of difference, Americans sought to incorporate new territories on equal political footing in their federal union. This republican ideal, however, also meant that incorporating new territorial acquisitions could require inviting colonial "others" into the American political fold. Republicanism made social difference politically dangerous in a new way and therefore led to efforts to contain or eliminate difference. Americans delayed statehood for new dependencies until sufficient settler in-migration constructed white majorities in the prospective states (Frymer 2017), and relied on initiatives like African colonization and rhetorics and practices of Native disappearance to promise a future, homogeneously white, self-governing republic (Edling 2021). The question of slavery in the territories repeatedly raised existential questions about the nature and balance of power in the federal union, ultimately leading to bloody civil war.

Simultaneously, although Americans may have preferred limited, local government, a strong national state was deemed necessary to provide military defense on the frontiers, survey and distribute western lands, build a postal network, and construct the railroads that would usher in waves of settlers. Incorporating the United States' vast empire required sophisticated coordination, and accordingly the Postal Service (John 1995) and General Land Office (Rohrbough 1968) served as early examples of bureaucratized administration. The Department of Interior was established in 1849 to consolidate the administration of the public lands, and spent its early years managing the millions of acres of land grants and right of ways granted to western railroads.[50] To more productively settle new frontiers and incorporate them into populist visions of an agrarian America, Northern farmers petitioned the federal government to create the U.S. Department of Agriculture and establish agricultural colleges through the Morrill Land Grant Act (Ron 2020). Despite their intentions to build a republic free from government tyranny, to pursue their empire for liberty early Americans were instrumental in building a bureaucratic state. In the American case, bureaucratization may have been driven as much, or more, by the demands of empire than by the increasing complexity of industrial society (cf. Weber 1958: 212-214; Wiebe 1967).

These dynamics suggest that it may have been through trying to resolve the contradictions of empire and republicanism—by trying to negotiate, in other words, being an *empire in transition*—that the United States evolved into a territorially contiguous, homogenized nation-state. In the United States, imperial ambitions of extensive domination became national relations of intensive development, and acts of imperial expansion became acts of territorial enclosure. As the national territory became a meaningful container of social and economic life, its seeming givenness enabled the emergence of narratives of belonging, new patterns of thought, and new administrative institutions that could take for granted these “national” relations as objects to be managed, intervened in, and perfected. The speed and intensity with which projects for American territorial and social homogenization manifested—from policies for Indian removal and westward expansion in the nineteenth century, to immigration quotas, scientific racism, and eugenics movements in the twentieth—may speak to the United States’ leading role in negotiating this transformation.

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[50] Even as westward-facing Americans clamored for federal support, they grappled with the contradiction of building a strong centralized state to realize their republican visions of liberty as freedom *from* distant government. As such, early Congressional debates are rife with proposals to devolve control of western public lands to the states or debates over the constitutionality of federal support for internal improvements (Gates 1968). Nonetheless, federal administrative capacities grew alongside the size of the national domain. It was in those early agencies founded to help govern vast western lands that the United States developed the capacities to comprehensively map, monitor, and regulate its whole national territory, thereby paving the way for the United States’ transition from territorially fragmented, tentacular empire, to the ideal of territorially contiguous nation-state.

“Until Indian title shall be… fairly extinguished”

The Public Lands, Indigenous Erasure, and the Origins of Government Promotion of Infrastructure in the United States

Today, it is taken for granted that governments should promote infrastructure as a means of stimulating economic development. This study examines the origins of this governmental rationality in the United States to reveal the processes of Indigenous erasure hidden in this practice and, by extension, the formation of the developmental state.

Throughout nineteenth-century America, government support of infrastructure such as canals and railroads played a visible role in opening new frontiers for settlement, establishing a national market, and facilitating the transition from agrarian to urban, industrial society (Bensel 2000; Cronon 1991; Taylor 1951). Accordingly, an interdisciplinary body of scholarship has examined the history of infrastructure promotion and regulation in the United States (Dobbin 1994; Dunlavy 1991, 1994; Fogel 1960; Goodrich 1960; Larson 2001; Scheiber 1969; Usselman 2002). More recently, scholars have turned their attention to the early twentieth century to document how agencies like the Bureau of Reclamation (Sneddon 2015) and projects such as the Tennessee Valley Authority (Ekbladh 2010) acted as sources for practices that the United States would later deploy abroad.

This study departs from this existing literature in that it reconstructs the *origins* of government promotion of infrastructure. In the case of the United States, this means examining the period leading up to the authorization of the Erie Canal in 1817. Prior to the Erie Canal, government promotion of what were at the time called “internal improvements” such as roads and canals primarily occurred via delegation to private enterprises. Reflecting then narrower understandings of the proper scope of government action, the rationale for government support of such projects focused on their political and military, rather than economic, benefits. As an enterprise wholly financed, constructed, and operated by public means, the Erie Canal demonstrated that infrastructure projects could act as potent symbols of national technological power while stimulating economic growth and delivering financial benefits to the governments that supported them. Today, with the development of Keynesian macroeconomics and concepts such as public goods, it is received wisdom that governments are uniquely positioned to support infrastructure projects and even to use infrastructure spending as a stimulant to economic growth.

Examining the origins of this governmental rationality allow scholars to examine the trade-offs, assumptions, and power relations obscured within this now settled practice. To this end, this study analyzes the fiscal negotiations behind early infrastructure projects as consequential in their own right. It synthesizes insights from fiscal sociology (Tilly 1990; Martin, Mehrota, and Prasad 2009) and sociological theories of modern state formation (Bourdieu 1994, 2015; Loveman 2005) to theorize public budgets as sites of negotiation over the boundaries of state action where politically light (Quinn 2019) resources can be mobilized to help enable government action by reducing its *perceived* costs, thereby institutionalizing power-laden cultural contexts in expanding states. This study applies this theoretical framework to an analysis of the debates behind early infrastructure projects leading up to and through the approval of the Erie Canal, from the Western and Northern Inland Lock Navigation Companies, to the Cumberland Road, to Gallatin's 1808 plan. This study examines not only successful proposals, but also the paths not taken that can illuminate the trade-offs necessary to secure approval for early government experiments with infrastructure promotion.

This analysis reveals how pervasively early American state builders mobilized the "public lands"—the broad swathes of land in the national domain for which title had not been transferred to private owners—as a politically light resource that helped enable their experiments with government promotion of infrastructure. Infrastructure promoters invoked vast public lands to inspire legislators to dream bigger and ask for more from their governments, to allay foreign creditors' fears in order to ease the flow of capital into American hands, and to provide a store of land and natural resources that could be taxed, leased, sold, or otherwise profited from to help finance internal improvements. Doing so allowed promoters to avoid the complicated legislative battles, extra financing requirements, and potentially explosive additional taxation that would have otherwise impeded their efforts. However, while taxpayers loomed large in infrastructure promoters' minds, Indigenous peoples all but disappeared. Early American state builders called upon the public lands *as if* they were not still encumbered with the costs of selling and surveying vast territories, pacification on the frontier, and even extinguishing legally recognized Native title. Instead, hundreds of millions of acres of Indigenous homelands were treated as freely—or at least inevitably—available bundles of legal rights and asset streams that could be monetized, traded, pledged, or borrowed against to facilitate early government experiments in infrastructure promotion. Thus stripped of the full costs of their mobilization, the public lands were able to act as a politically light resource that reduced the perceived costs of government action while institutionalizing assumptions of Indigenous erasure in American political and economic development, and the developmental state more generally.

In making this argument, this study contributes to an expanding body of work examining the financial entanglements of Indigenous dispossession (Blaakman 2021, 2023; Connolly 2022; Lee 2017; Saunt 2019) and critically assessing the origins of American political and economic development (Carlos, Feir, and Redish 2022; Link and Maggor 2020; see Rao 2020 for a review). Some of this work has identified the link between Indigenous dispossession and infrastructure finance. However, while recent research has traced the flow of funds from the sale of Indigenous homelands into Indian trusts, then into state bonds, and from there into canal and railroad projects (Connolly 2022, Saunt 2019), these studies begin in *media res* by beginning in the period after the Erie Canal in the 1830s. They miss the significant role the public lands played in enabling government support of infrastructures to begin with. These assumptions of Indigenous dispossession and erasure were foundational to the calculus of transforming a limited, fiscal-military state into a modern, developmental state. Earlier studies which acknowledge but do not problematize the millions of acres of lands granted to support early infrastructure projects inadvertently reproduce the processes of Indigenous erasure implicit in the granting of those lands to begin with (although see Curley 2021; Dillon 2021; Karuka 2019 for works linking infrastructure and dispossession).

By putting land—what scholars have called settler colonialism's "specific, irreducible element" (Wolfe 2006: 388; see also Tuck and Yang 2012: 5-6)—at the center of American political and economic development, this chapter contributes to the task of theorizing the United States as a case of settler colonial state formation. In that spirit, this chapter concludes by putting these findings in conversation with the broader literature on modern state formation (Centeno 2002; Tilly 1990) and American political development (Frymer 2014; Scheiber 1975) in order to discuss the formation of the United States as a settler colonial state and critically consider the full costs of development.

FISCAL SOCIOLOGY AND STATE FORMATION

The nexus of taxation and public spending has long been identified as a significant driver in the formation of modern states and their economic and social structures (Martin and Prasad 2014; Tilly 1990; Schumpeter 1991 [1919]). As early modern states made extractive demands on their subject populations for the purposes of war-making, subjects began to bargain with their states over "the conditions under which states *could* extract or control," thereby stimulating the expansion of state action to include diverse activities of protection, social and economic promotion, adjudication, and redistribution (Tilly 1990: 96-99). Importantly, as states' domains of action expanded, they also accrued symbolic power (Loveman 2006). Symbolic power is the power to "constitute the given" (Bourdieu 1991: 170), and to "make appear as natural, inevitable, and thus apolitical, that which is a product of historical struggle and human invention" (Loveman 2006: 1655). By successfully claiming to be the ultimate arbiter of a collective "public" interest in an increasing number and diversity of domains, early modern states became recognized as generalized authorities and thus wielders of symbolic power *par excellence* (Bourdieu 1994; 2000: 126-7; 2015: 7-10, 20-22, 28).

Applying this perspective, this chapter theorizes the fiscal negotiations and legislative debates behind early government experiments in infrastructure promotion as a site of negotiation over the boundaries of the state that are consequential in their own right. Because successfully funding governmental action expands or reinforces the boundaries of legitimate state action, carefully examining negotiations over what the state should do and how it should be paid for becomes an opportunity for researchers to observe how societies formalize individuals' obligations to one another, collectively define themselves, and determine the proper relationship between governments and peoples—to observe, in other words, the "social contract" in formation (Martin, Mehrota, and Prasad 2009: 1, 18-22; Willmott 2022). Conceptualizing modern states as wielders of symbolic power illustrates how public budgets not only institutionalize this social contract but also legitimate it as serving in the public interest, thereby helping constitute the public as such. As this chapter demonstrates, the fiscal negotiations behind early government experiments with infrastructure promotion naturalized visions of American economy and society that excluded Indigenous peoples and institutionalized processes of Indigenous dispossession and erasure in the nascent American state.

The Political Lightness of the Public Lands

Infrastructure promoters repeatedly called upon the public lands as a flexible source of support in the legislative debates and fiscal planning behind early government experiments with infrastructure promotion. To theorize the significance of the flexible and recurrent presence of the public lands in these budget negotiations, this paper extends the concept of "political lightness" beyond the case of credit (Quinn 2019: 11-14) to develop it as a general concept for describing resources that help enable government action by reducing their perceived costs.

Like the public lands, credit is a recurrent and flexible presence in American public policy. Quinn (2019) attributes this to credit's "political lightness." According to Quinn, credit is *fiscally light* insofar as it can reduce the amount of new revenues needed in the immediate term or produce new income streams through loan repayments; *budgetarily light* insofar as the creative accounting credit enables can strategically distribute the full costs of policy over time; and *administratively* and *ideologically light* insofar as credit can be extended to non-governmental actors to share the burdens of administration with private parties, and thus lessen the specters of big government while reducing program costs. Given the political lightness of credit, "lawmakers… often used credit allocation to manage tough distributional issues and veto points… as a result, credit programs emerged as a key part of America's complex style of statecraft" (Quinn 2019: 14).

Quinn describes lightness as a "metaphor… [used] to convey the many levels of political flexibility credit entails" (2019: 11). Developing the concept of political lightness beyond metaphor requires identifying what Swedberg (2020: 243) calls its "substitution meaning": what the metaphor is standing in for. Generalizing from the cases described above, it can be said that politically light resources are resources that reduce the perceived costs of government action by implicitly redistributing their costs. As the examples above illustrate, credit redistributes the costs and risks of public policy over time and between public and private actors.

Because politically light resources only reduce the *perceived* costs of government action, the success of politically light resources relies on their ability to go unacknowledged as such. Perceptions of deservingness and abjection or, in the case of Indigenous peoples, inevitable decline; assumptions of which national futures are desirable and worth sacrificing for and which can be discarded; and preferences to protect certain groups' interests while disregarding others, can be understood as examples of cultural contexts "external" to any specific policy-making process. This context—to the extent that it is naturalized as given, incontestable, or left off the agenda altogether as unrelated—determines the likelihood of a politically light resource garnering additional scrutiny. While dissenting perspectives may exist, their successful exclusion from debates over public budgets communicates the boundaries of the state: who has power within it, whose interests it serves, and what the state promotes as "common sense."[51]

Institutionalizing this cultural context in public budgets allows the symbolic power of the state to transform privately held patterns of thought into publicly legitimized ways of seeing, perceiving, and acting in the world. Significantly, because politically light resources institutionalize broader cultural contexts in budgets, the concept of political lightness helps scholars identify how the financing of public policy can be used to enroll the state in reproducing and even amplifying power relations that already exist in the wider cultural context but are not, or cannot be, explicitly expressed in public policy.[52] In the case of credit, credit's political lightness relied on and institutionalized tendencies to discount the future in present policy making and widely held preferences for limited government. In the case of the public lands, the public lands' political lightness relied on and institutionalized widely held assumptions of Indigenous erasure.

Given that the concept of political lightness draws scholars' attention to what is left unsaid during budget negotiation processes, diagnosing politically light resources does not mean identifying moments of coordination between policy makers colluding to reduce perceived costs. Instead of looking for these explicit signals, seeing the same resource flexibly and recurrently called upon in fiscal debates—as Quinn demonstrated in the case of credit, and I demonstrate here in the case of the public lands—serves as an early indication that a resource may be politically light. Confirming it as such requires reconstructing the implications of its mobilization to demonstrate how it is implicitly redistributing the costs of governmental action.

The flexible and recurrent presence of the public lands in the financing schemes of early American government suggests that, like credit, the public lands also enjoyed political lightness. However, while credit was able to be politically light because it could distribute the cost and risks of government policy over time and between public and private actors, the public lands were politically light because they distributed the costs of development first from the projects under question to other government agencies, such as the War Department and Land Office, and

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[51] For another example of political lightness, consider the systematic discounting of the value of Black neighborhoods, businesses, and life during urban renewal. The Housing Act of 1954 authorized relocation payments of up to $2,500 to businesses and $300 to families, sums far below the actual costs necessary to successfully re-establish the displaced in new locales (Cebul 2020). Simultaneously, municipal bond financiers traded on visions of cities transformed for white middle class consumption to secure capital for redevelopment (Jenkins 2021). I thank Luis Flores for suggesting this example.

[52] A related concept from economics would be "externality." However, while "externality" refers to the indirect costs or benefits of an activity that are externalized from how the costs and benefits of the activity are calculated, political lightness refers to the *vehicles* that externalize the full costs of government action.

ultimately from settlers to Indigenous peoples. As this chapter demonstrates, the public lands were budgetarily light because legislators were able to displace the full costs of their acquisition from the financing schemes discussed here, fiscally light because they reduced the need for increased taxation; and ideologically light because the erasure of Indigenous presence minimized the moral costs of the public lands' acquisition, and rendered Indigenous interests as inconsequential compared to those of tax-resistant settlers. This political lightness of the public lands helped enable early governments in infrastructure promotion, thereby making processes of Indigenous dispossession and erasure foundational to the calculus of the American developmental state.

DATA AND ANALYTIC APPROACH

To demonstrate the flexible and recurrent presence of the public lands in supporting early government experiments with infrastructure promotion, and to testify to legislators' silences around the full costs of their mobilization, I draw from a variety of secondary and primary historical sources. I conducted comprehensive reviews of the legislative debates leading up to the Erie Canal and its precursors, the National Road and the Western and Northern Inland Lock Navigation Companies, and consulted a broad array of government records, historical newspapers and pamphlets, and the administrative records relevant to the Erie Canal held at the New York State Library and Archives in Albany, New York. In addition to these projects, I briefly present data on infrastructure projects after the Erie Canal, from railroads to the establishment of the Bureau of Reclamation. I present my data as a chronological, historical narrative. This chronological narrative best communicates the gradual normalization of infrastructure promotion as a taken for granted part of state action, and illustrates how freely state builders called upon the public lands to lower the perceived costs of government promotion of infrastructure when this practice was in its early, experimental phase.

The decision to focus on the Erie Canal as a key event was both conceptually and methodologically informed. The Erie Canal is significant for being the first large-scale, technically ambitious project undertaken wholly by public means. Its success inspired a wave of canal building efforts nationwide and helped normalize direct promotion of infrastructure as something expected within the realm of governmental action. Whereas prior to the Erie Canal, government promotion of infrastructure occurred largely via delegation to private enterprises, the Erie Canal decisively demonstrated that government could have a role in directly engineering, operating, and financially supporting infrastructure projects.

I use a negative case design logic (Emigh 1997) to leverage the case of the Erie Canal as a way to extend scholars' understanding of *why* the public lands were so valuable to early legislators. The Erie Canal initially represents a negative case for my claim that the public lands were a flexible and recurrent source of support for government experiments in infrastructure promotion. Revenue from public land sales were not directly used to support the Erie Canal's construction. However, close examination of its proponents' early financing schemes—when this wildly ambitious canal was at its most vulnerable—reveals repeated proposals for financing the canal through public lands sales as a way to avoid taxation. Moreover, the state's public lands ultimately provided a significant source of funding for the canal, albeit indirectly via revenues derived from a tax on western salt manufacturers. Incorporating the Erie Canal as an anomalous finding allows this chapter to distinguish between essential and nonessential features of how politically light resources function (Emigh 1997: 658). These observations suggest that it is the *flexibility* that politically light resources afford policy makers—more so than any direct revenues—that make politically light resources such a useful and therefore recurrent presence in government financing schemes. In addition, the presence of public lands in a case where they were unexpected suggests the robustness of my findings.

For the purposes of this study, the significance of the Erie Canal lies in its wholly public nature. Therefore, although the Erie Canal was ultimately a venture of state and not federal government, this chapter treats federal and state-level debates as theoretically analogous. Significantly, because New York State retained control over its vast, largely unsettled western lands, the state had its own store of public lands. New York's willingness to circumvent federal restrictions to directly negotiate "treaties" with Native nations without federal commissioners present (Hauptman 1999, 2003), meant that the relationship between public land, infrastructure promotion, and Indigenous erasure could thus play out in New York legislative debates according to very similar dynamics as occurred at a federal level.[53]

Because this chapter is focused on demonstrating how state builders' assumptions of Indigenous erasure undergirded the political lightness of the public lands, this chapter approaches the history of early government experiments in infrastructure promotion from the perspective of state builders, by which I mean the lawmakers and infrastructure promoters who chose to use government as their means for furthering what they understood as national development. As such, unlike existing studies of early infrastructure projects (e.g., Bernstein 2005; Murphy 2015; Shaw 1966), this study is not focused on reconstructing the partisan conflicts leading up to any particular project or examining how these schemes played out in practice. Neither does this chapter seek to reconstruct the perspectives of the Native peoples being erased. This is not to dismiss the significance of Native agency or the enduring presence of Indigenous peoples (Vizenor 1999), which the analysis done here attests to. Rather, by focusing on this invisibilizing "non-encounter" between Indigenous peoples and state builders in the financing discussions behind early infrastructure projects, this chapter illustrates one mechanism through which settler colonialism was able to "cover its tracks" and work towards its own end in the establishment of a "settled" society where any trace of Indigenous presence was extinguished (Veracini 2011).

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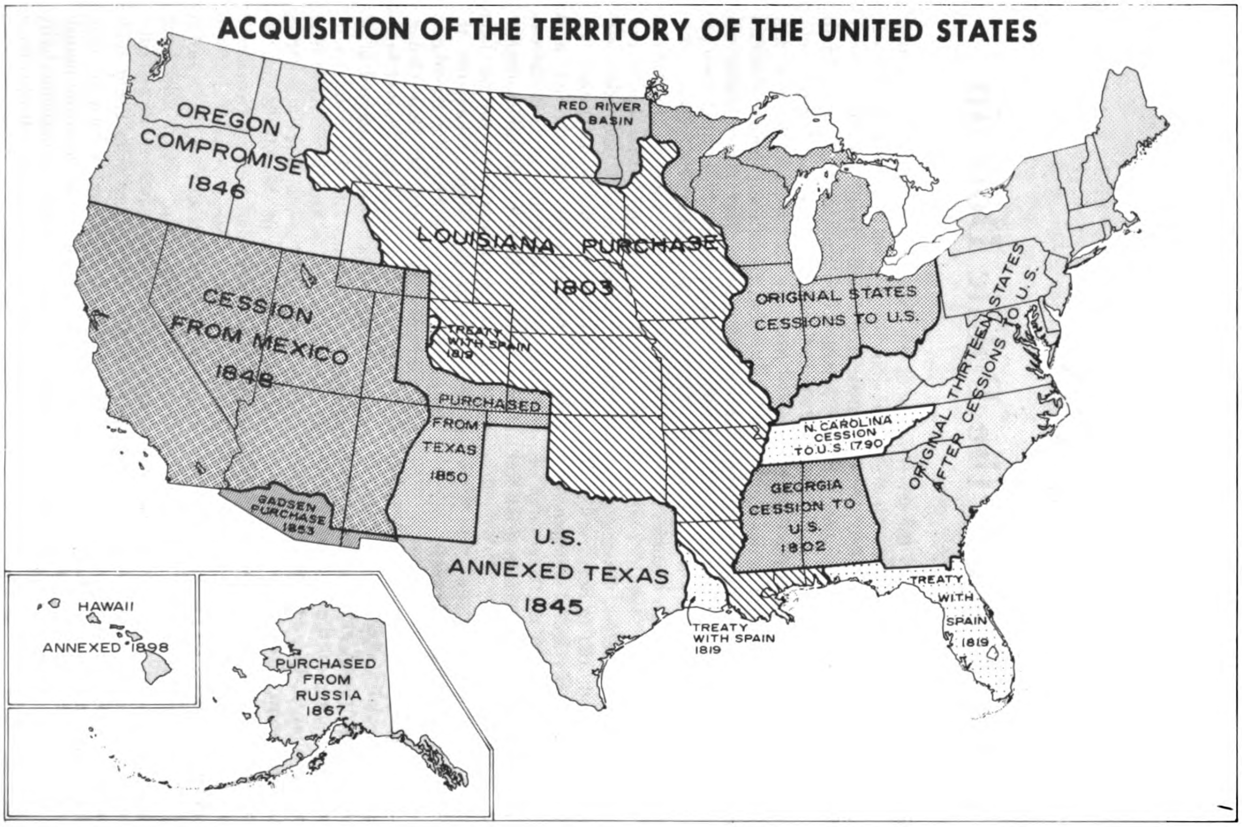
[53] However, as this chapter will illustrate, one major difference between state and federal-level processes that would prove decisive in the course of the Erie Canal's approval would be the ability of New York state legislators to avoid navigating the competing place-based interests and sectional jealousies that would stymie national-level internal improvements plans.

Figure 3.1 United States Acquisition of Pre-emption Rights



Source: Gates 1968, p. 76.

THE PUBLIC LANDS AND THEIR FULL COSTS OF ACQUISITION

Between the Declaration of Independence in 1776 and the Louisiana Purchase in 1803, the United States federal government acquired the right of pre-emption over 750 million acres in the trans-Appalachian West (Figure 3.1). Approximately one-third of this land consisted of cessions from the seven original states holding claims to western land at the time of independence (although many states, including New York, retained significant western holdings); the final two-thirds were part of the Louisiana Purchase (Gates 1968). The portions of this national domain for which title had not been transferred to private owners were referred to as the "public lands." Legislators immediately began creatively calling upon these lands to support their nascent nation.

The public lands' first role was to help pay for the United States' bid for independence as veterans' bounties (Frymer 2014; Gates 1968: ch. 11). The Northwest Ordinance also gave the federal government a concrete task in managing western territories (Ablavsky 2021; Horsman 1989; Onuf 2019). In a federated union in which the purpose of a central government was hotly debated, the public lands provided a concrete role for a then-tentative federal government.

Although not often discussed as having a central role in the nation's early fiscal debates (cf. Edling and Kaplanoff 2004; Wright 2008; although see Brownlee 2016: 51 and 2017: 17), and presaging how public lands would be called upon as a politically light resource in later debates over infrastructure promotion, legislators also relied on assumptions of inevitable Indigenous erasure when calling upon the public lands as a crucial resource in early fiscal debates.

To restructure the nation's Revolutionary War debt, in 1790 Treasury Secretary Alexander Hamilton proposed a scheme of taxation, loans, and appropriations that allowed the United States to take advantage of more favorable lending terms in Europe. It was the promise of development in the western lands that made Hamilton confident that such a scheme would be possible and even attractive to European creditors:

> It is presumable that no country will be able to borrow of foreigners upon better terms than the United States […] our progress in resources from the early state of the country, and the immense tracts of unsettled territory, must necessarily exceed that of any other. The advantages of this situation have already engaged the attention of the European money-lenders. […] Hence, as large a proportion of the cash of Europe as may be wanted, will be… in our market for the use of Government.[54]

In addition to appealing to European creditors, Hamilton also called upon the public lands as a direct resource. In his proposal for the federal assumption of state debts, Hamilton proposed that creditors holding state debts could have the option to redeem their certificates for either an equivalent value of newly issued federal bonds or have two thirds of their value redeemed in bonds and one third in public lands. Although this element of Hamilton's proposal was not successful (instead, the proceeds from public land sales were earmarked for general debt service), these early invocations demonstrate how centrally the public lands played into Hamilton's fiscal calculations.[55]

Even though early American state builders spoke as if the public lands were already available for settler use, the reality was that American control was not guaranteed. When the United States secured pre-emption rights over what was then referred to as the "western lands," this was not the same as acquiring land outright. Instead, what the United States gained was the "exclusive authority to obtain Indian title by conquest or contract" vis a vis other imperial powers (Lee 2017: 921; see also Blaakman 2021 and Gaudry 2016). At the time of transferral, these lands were still occupied by Indigenous peoples who were recognized as holding legal title over them (Blackhawk 2019; Prucha 1997). Indeed, the Northwest Ordinance required public lands to be surveyed and Indian title "fairly extinguished" before sale. Similar references to extinguishing Indian title appear throughout subsequent legislation, including in the bills for infrastructure promotion examined here.

The full costs of acquiring Indigenous lands were high. Settlers' frequent conflicts with Native peoples on the frontier were a financial drain on the War Department (Edling 2014;

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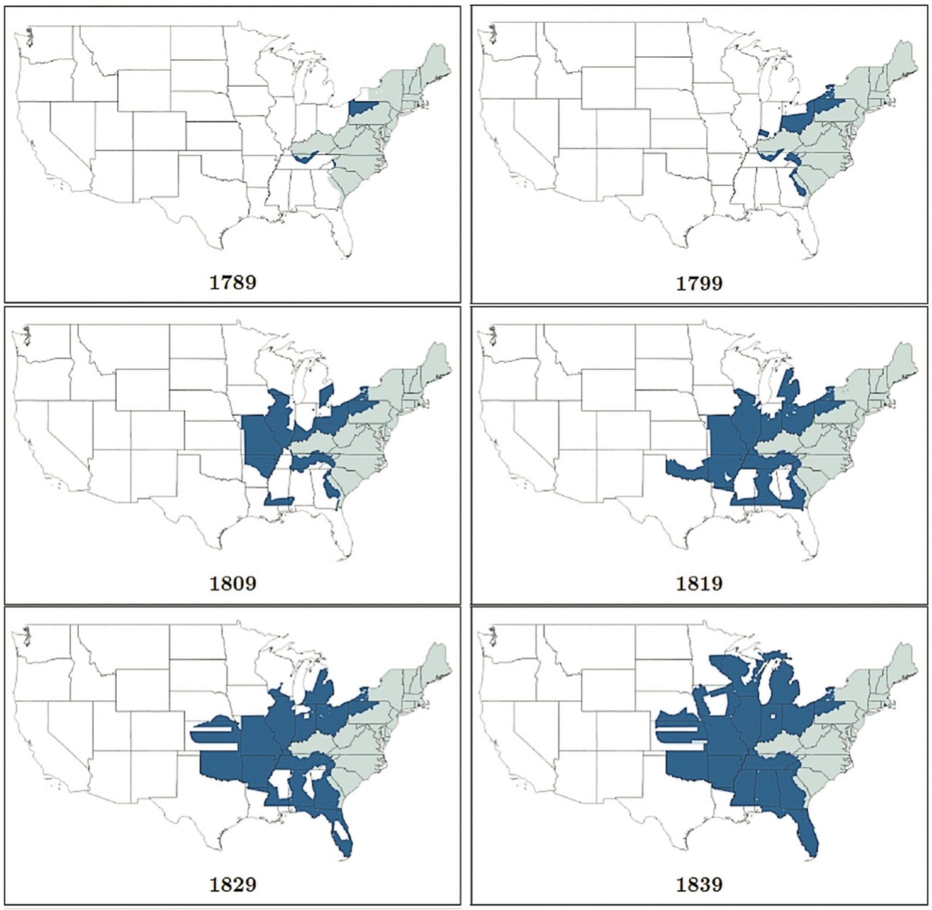
[54] Hamilton, Alexander, *Reports of the Secretary of the Treasury of the United States,* Washington, DC: Blair and Rives (1837), p. 16. See also p. 186.

[55] Ibid. pp. 17-18, 161-163.

Figure 3.2 Land Cession Treaties to 1839



Source: Figure from Carlos, Feir, and Redish (2022: 15), data from Bureau of American Ethnology in 1899 under the guidance of Charles C. Royce, digitized by Saunt (2014). Treaty transfers in darker shade; eastern regions not included in Royce data are in lighter shade.

Skogen 1996). Petitions from Native peoples resisting dispossession required significant administrative engagement and, when Indigenous peoples successfully enrolled settler allies to their causes, raised the political costs of dispossession (Carpenter 2021: 117-163). Actually acquiring Indian title meant an initial payment, annuities, and other "gifts," not to mention the subsequent costs of settling claims and litigation over contested lands (Lee 2017; Prucha 1997; Figure 3.2). Lee (2017) puts the total cost of the Louisiana Purchase at $2.6 billion in 2012 dollars, almost nine times the commonly cited figure of $300 million which in fact only paid for the purchase of French pre-emption rights.

As western lands were acquired, adjudicating title, surveying, and selling lands both helped consolidate federal authority (Ablavsky 2021; Rohrbough 1968), while also placing a significant financial and administrative strain on the early federal government. Although exact costs are difficult to determine, scattered government reports suggest the scale of these expenditures for the period under study here. In the period 1800-1819, the federal government received a total of $23 million dollars in payments for public lands.[56] Compare this figure to the $5.9 million dollars expended through the Indian Department between the Declaration of Independence and 1820, of which $1.6 million were appropriated for the fulfillment of treaty obligations, $3.3 million were expended through the War Department to maintain Indian relations, and $74,000 was paid to surveyors as a part of treaty negotiations.[57] These figures exclude military spending on frontier fortifications and armed conflicts throughout this period, including, for example, the $36.7 million in Treasury notes issued to help finance the War of 1812 (Edling 2014: 127). Once acquired, western lands required more comprehensive surveying to establish townships and prepare lands for sale. From 1819-1822, federal surveyors received $657,000 for such work in western states from Michigan to Louisiana.[58] Registers and receivers at local General Land Offices also drew a salary and incurred incidental expenses. On receipts of $2.8 million in 1820-1821, these administrative expenditures amounted to $149,000.[59]

These costs were absent from Hamilton's 1790 proposal. So were the contingencies regarding securing title. Although laid out in concurrent executive communications and legislative debates, absent from Hamilton's proposal are discussions of the fact that the Northwest and Southwest Territories were teeming with squatters, speculators, and the contested, overlapping titles of settlers and Natives alike; that the cost of surveying those lands was feared to potentially exceed the revenues from their sale; or that U.S. title in the Northwest Territory was being actively challenged by Native nations united as the Northwest Confederacy.[60] In fact, in the following winter, this Confederacy would deliver the most decisive defeat in U.S. military history to General St. Clair (Calloway 2015).[61] Instead, Hamilton spent more than four pages of his fifty-page 1790 report justifying the feasibility of collecting additional import duties from a tax-resistant citizenry. Hamilton felt that his references to pledging public lands warranted no additional elaboration.

Instead of considering western development and Indigenous conflict and dispossession as interdependent, costly, and contingent processes, Hamilton and the legislators who would follow evoked the public lands as a politically light fiscal resource that could minimize the costs of

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[56] U. S. Congress, "Quantity of Land Sold at the Land Offices Since Their Institution," *ASP: Public Lands, vol 3,* pp. 370-371. Given that the public lands were sold on credit (Quinn 2019), $23 million is only a fraction of the lands' total sale price, of which $86.3 million was outstanding.

[57] U.S. Congress, "Expenditures for the Indian Department," *ASP: Indian Affairs, vol 2,* pp. 209-216.

[58] U. S. Congress, "Surveys Since 1818," *ASP: Public Lands, vol 3,* pp. 539-541.

[59] U. S. Congress, "Number of Land Offices, and the Annual Expenses of Each," *ASP: Public Lands, vol 3*, pp. 468-471.

[60] U. S. Congress, "Land Claimants in the Northwest Territory," *American State Papers* (hereafter, *ASP*)*: Public Lands, vol 1,* pp. 5-20. U. S. House of Representatives, *Annals of Congress,* 1st Congress, 1st session, p. 428.

[61] In Hamilton's subsequent 1795 report on the public credit, these frontier conflicts garnered a passing acknowledgement but did not force Hamilton to alter his visions of inevitable western growth: "And though war may interrupt, the temporary interruption being removed by the restoration of peace, [the large tracts of unsettled land's] increasing productiveness, suspended for a time, must resume its vigor and growth" (*Reports of the Secretary of the Treasury of the United States,* Washington, DC: Blair and Rives (1837), p. 186; see also pp. 171-172).

implementing their proposed schemes. The stripped-down way in which Hamilton called upon the public lands in these early schemes set a precedent of legislators evoking settler imaginaries of inevitable western growth and freely available public lands without also discussing the full costs of their acquisition.

EARLY EXPERIMENTS WITH INTERNAL IMPROVEMENTS

Internal improvements played an important role in this imagined future of western expansion. From the nation's earliest years, the large and varied geography of the United States was understood as representing a latent threat of sectional conflict and geographic splintering that needed to be contained. Settling the trans-Appalachian West and establishing a national market to bind the nation in common economic interest was considered of highest priority. Internal improvements such as turnpikes, canals, and railroads promised to unite the far-flung corners of the country into, as George Washington (1796) put it in his farewell address, "an indissoluble community of interest as one nation." From the perspective of these new American state builders, the political and military necessity of internal improvements was obvious. The question was what role the government would play in promoting them.

In the period prior to the Erie Canal, infrastructure provision was primarily undertaken by private enterprises with limited government support. These early projects would teach infrastructure promoters both the technical and political challenges of constructing an integrated system of internal improvements in a country as geographically large and politically fragmented as the United States. They created the path to the Erie Canal proceeding as a wholly government financed, constructed, and operated project, thereby inaugurating a more vigorous role for government in promoting internal improvements. Throughout this learning process, politically light public lands played a key role in both justifying and financing these early experiments in the government promotion of infrastructure.

Technical Challenges: The Western and Northern Inland Lock Navigation Companies

Before the Erie Canal, government promotion of transportation infrastructure occurred almost exclusively through delegation to private enterprises. In the early years of the republic, local roads were hacked through the brush in the agricultural off-season by area residents. These narrow and minimally serviceable tracks were used as feeders to the nearest improved road. Private turnpike companies built and maintained such improved "common roads," charging tolls for their use (Larkin 1988: ch. 5; Shaw 1990; Taylor 1951: ch. 2-3). In order to capitalize themselves, these companies petitioned their state legislatures for special acts of incorporation. Much of the daily activity of state legislatures was taken up by the hearing and granting of these petitions, as well as similar petitions from river improvement, banking, and manufacturing concerns (Hilt 2017; Ireland 2004).

Therefore, when the Erie Canal's promoters began dreaming of an inland waterway that could link the waters of the Great Lakes to the tidewaters of the Hudson River, it was both natural and necessary that they should turn to their state government for support. However, previous practical experience with canal navigation through the Western and Northern Inland Lock Navigation Companies (WNILNC) had convinced New York legislators that private industry alone was insufficient to realize projects as technically and financially ambitious as the Erie Canal.

The WNILNC were part of a period of nationwide, largely unsuccessful, experimentation in internal improvements from the "monied gentry" of the new republic (Larson 2001: 9-38).

In 1792, Revolutionary War hero turned state senator, Philip Schuyler, ushered an act through the New York State legislature incorporating the WNILNC and granting those companies exclusive rights to build and collect tolls on river improvements in the then sparsely settled western and northern reaches of the state (Whitford 1906). State legislators, many of whom had sizable landholdings in those areas (Fox 1965 [1919]; Hauptman 1999), took an active interest in both companies from the start, even granting them unlimited power to appropriate land and construct improvements wherever they saw fit.[62] Schuyler became a major investor in both companies and, despite his scant prior engineering experience, would serve as president and chief engineer to each (Whitford 1906).

In the case of the WNILNC, as with other failed early projects (Shaw 1990; Larson 2001), engineering complications, exacerbated by Schuyler's lack of technical experience, combined with insufficient tolls from the canal's remote location to doom the project. The WNILNC required repeated injections of aid from New York State in the form of new stock subscriptions and grants. By 1807, not including the $12,500 the state had granted as free aid, the State of New York held forty percent ($92,000 of $232,000) of the total stock of the Western Inland Lock Navigation Company.[63] This was not a trivial sum for a state that, for example, in 1792 boasted a total revenue of only $559,497. Significantly, just over half ($316,322) of this revenue consisted of proceeds from the sale of "waste" lands of western New York (NYS 1793: 113).[64] Indeed, when Governor George Clinton urged state legislators to support the WNILNC in his 1792 annual address, he prefaced his remarks by invoking the budget surplus that the prior year's sale of "the waste and unappropriated lands" had generated and enjoined legislators to apply it such that "the settlement of the country [would be] advanced," before noting that said surplus would allow the state to support the WNILNC "without the aid of taxes." Here, as in the case of Hamilton's proposal, the public lands were invoked as a politically light resource to minimize taxation.

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[62] New York State (hereafter, NYS), *Journal of the Assembly of the State of New York,* 16th sess. (1792-1793), p. 79.

[63] The Northern Inland Lock Navigation Company never attempted construction after an initial survey costing approximately $100,000, which was written off as a total loss (Gallatin 1808: 46; Whitford 1906: ch. 1).

[64] Similarly, the total revenue of 1793 was $395,047, of which $224,170 came from the sale of "waste" lands (NYS *Journal of the Assembly of the State of New York,* 17th sess. (1795), pp. 65-66). These figures were reported in New York pounds, to which the conversation rate of 1 dollar equalling 8 shillings was applied (Alexander Hamilton, *Reports of the Secretary of the Treasury of the United States,* Washington, DC: Blair and Rives (1837), p. 35).

While state legislators were busy debating the WNILNC's eminent domain privileges, what was not mentioned in their proceedings was the backdrop of active Indigenous dispossession against which these projects were being pursued. Although Indigenous dispossession and western development were concurrent processes, state legislators let neither the contingent status of their claims to western lands nor legal restrictions against direct negotiations with Native nations slow their scheming. In 1784, the Oneida Nation still controlled over five million acres of land in central New York in precisely the area the Western Inland Lock Navigation Company intended to develop (Hauptman 1999: 27-28). Despite having this land federally recognized in the 1784 Treaty of Fort Stanwix, and despite the Trade and Intercourse Acts of 1790 and 1793 expressly prohibiting any trade with Indian nations without the authorization of the federal government, between 1785 and 1795—concurrently with the authorization of the WNILNC—New York State independently signed a series of "treaties" to acquire these lands almost in their entirety. In return, the Oneida received $16,952 in cash, $4,000 in goods, annual payments of $600, and the privilege of not having the remainder of their lands seized. Throughout this period, Schuyler served as one of New York's chief negotiators (Hauptman 1999: 58-81).

By the time of its dissolution in 1820, the Western Inland Lock Navigation Company had spent an estimated $480,000, had failed to pay a dividend to its stockholders in 21 of its 27 years of existence, and had only managed to build three small locks in central New York that meaningfully stimulated neither settlement nor commerce (Whitford 1906). Accordingly, when state legislators began seriously contemplating a continuous canalway between Lake Erie and the Hudson River, private enterprises such as the WNILNC were written off as inadequate instruments. Experience had shown that private enterprise alone could not provide sufficient capital or engineering expertise to sustain a scheme as geographically isolated and technically ambitious as the Erie Canal.

Political Challenges: The National Road and Gallatin's Plan

Federal sentiment echoed local sentiment, that direct government intervention was called for when it came to internal improvements. In his second inaugural address, Thomas Jefferson (1805) called for using the surplus revenue from customs duties to support "rivers, canals, roads, arts, manufactures, education, and other great objects within each state." These remarks reflected growing bipartisan agreement in the early 1800s that centralized government involvement in internal improvements would be necessary if national integration was to be achieved (Larson 2001: 20-69; Balogh 2009: 53-78, 122-139). This federal support then raises the question of why the Erie Canal was ultimately a state and not federal enterprise. Examining the political difficulties faced by the National Road and Albert Gallatin's unsuccessful 1808 proposal for a national system of internal improvements is instructive for addressing this puzzle. Again, politically light public lands would play a central role in the fiscal planning behind these early projects.

The National (also known as Cumberland) Road was the United States' first federally administered transportation infrastructure project. Ohio's 1803 statehood bill, which established Ohio as the first state carved out of the Northwest Territory, laid out a plan for a road connecting the Ohio River to the Atlantic seaboard. In what would become a pattern repeated throughout western statehood acts, that bill stipulated that three percent of proceeds from public lands sales in said state be allocated towards building such a throughway. Three years later in 1806, Congress passed a bill empowering the President to appoint road commissioners that would oversee the construction of the road. These commissioners and their road would be funded with an initial appropriation of $30,000 drawn first from these earmarked proceeds from public lands sales and then from the general treasury, with no provisions for additional taxation. This bill set early precedent for internal improvements to proceed with direct government action as opposed to through delegation to private corporations, and for improvements to be funded through the public lands.

As a sign of legislative gridlocks to come, the debate over the particulars of how to enact the Cumberland Road between the passage of these two bills was focused not on how the road would be paid for but rather which path the road would take. It was the intractability of place-based interests that made the 1806 Act so difficult to pass. In the debates leading to its passage, congressmen creatively called into question everything from the road's constitutionality to the grammar of the annexation bill itself in their bids to secure the road's benefits for their constituents.[65]

On the heels of the National Road's authorization, the Senate directed Treasury Secretary Albert Gallatin to author a report on public roads and canals. The public lands would provide both justification and means for the ambitious national scheme of internal improvements Gallatin proposed therein. Previous experiments such as the WNILNC (one of many examples cited unfavorably in Gallatin's report) with isolated and locally oriented private improvement schemes had convinced Gallatin that the profitability of any individual project rested on its integration into a broader transportation network. In a nation as geographically large and politically fragmented as the United States, Gallatin argued that only the federal government could provide capital in sufficient quantity and speed to ensure that the whole system could be efficiently constructed. Moreover, the vast territorial extent of the United States made it all the more imperative for the federal government to link its various parts in the interests of better military defense, increased commercial and personal communication, and national unity.[66]

To fund his nationally coordinated plan of internal improvements, Gallatin made no mention of new taxation. Instead, Gallatin proposed appropriating proceeds from the sale of public lands and surplus tax revenues to seed a dedicated internal improvements fund:

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[65] U.S. Congress, *Annals of Congress,* 8th Congress (1803-1805), Washington, D.C.: Gales and Seaton, pp. 272-273; Ibid. 9th Congress (1805-1807), pp. 21-25, 41, 43, 197-199, 305-314, 322-324, 516-518, 833-848, 1139-114.

[66] Gallatin, Albert. 1808. "Report of the Secretary of the Treasury on the Subject of Public Roads and Canals made in Pursuance of a Resolution of Senate of March 2, 1807." Washington, D.C: R.C. Weightman. pp. 6-8, 70-71.

> Exclusively of Louisiana, the general government possesses, in trust for the people of the United States, about one hundred millions of acres fit for cultivation, north of the river Ohio, and near fifty millions south of the state of Tennessee […] the application of the proceeds of the sales of the public lands, might perhaps be made permanent until [the internal improvements fund] had amounted to a certain sum.[67]

It is not clear where Gallatin derived these figures on the amount of public lands held "in trust" by the general government. Notwithstanding the lands south of the state of Tennessee, a 1791 official estimate of "the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by, any of the citizens of the United States" in the lands north of the river Ohio put the figure "available for disposal… upwards of 21 millions of acres."[68] Subsequent communications between 1791 and 1807 from local Indian commissioners, territorial governors, and land offices reported delayed surveys, unclear boundaries and inconsistent land granting practices, and updates on the progress of confirming hundreds of existing claims and resolving disputed titles. Although Gallatin's report made reference to a plan to "secure indisputable titles to the [public lands] purchasers," this plan was only mentioned in passing and spoken of as an inevitability instead of an outcome contingent on negotiations with Native peoples. No updated estimate on the total lands available was made in these communications.[69]

As Secretary of the Treasury, Gallatin not only received many of these communications but reported them himself to Congress. Given these reports, it is surprising that his own estimate of the public lands available in the Northwest Territory would have *increased* from the 1791 report. In a subsequent 1813 report, the General Land Office would report that only 50 million acres of land north of the Ohio River had their Indian title extinguished. Another 150 million acres were still federally recognized as under Indian title.[70] In this context, Gallatin's 1808 reference to "about one hundred millions of acres" must be understood as born not of ignorance but of convenience. For Gallatin, it was expedient to invoke the public lands in such a simplified and exaggerated form. Mobilizing the public lands in this way allowed the public lands to act as a politically light resource that reduced the perceived costs of Gallatin's proposal. Assumptions of inevitably acquired vast public lands provided both justification and means for his scheme of internal improvements.

Seeing this enthusiasm for internal improvements, representatives of New York State repeatedly petitioned the individual states and Congress for federal support for the Erie Canal between 1810—when New York approved initial surveys by state commissioners—and 1816, requesting aid in the form of direct aid, stock subscriptions, and land grants. They were not successful. Omnibus appropriations bills lumping together the Erie Canal with similar

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67 Ibid, pp. 71-72.

68 U.S. Congress, *ASP Public Lands, vol. 1,* p. 20. The lands "south of the state of Tennessee" refers to Georgia's 1802 cession to the federal government, much of which were encompassed by the notorious Yazoo land scandal and active disputes over Creek title. The cession agreement did not attempt to make an estimate of the amount of lands available for sale in that territory (Ibid, pp. 113-114; Hobson 2016).

69 Ibid, pp. 71-74, 231; 245-246.

70 U.S. Congress, *ASP Public Lands, vol. 2,* p. 737

improvement projects throughout the country, such as the Pope-Porter bill discussed below, were repeatedly whittled away and voted down in the face of parochial interests (Hosack 1839: 357-374; Larson 2001: 52-69). Despite widespread belief that an integrated system of internal improvements would benefit the nation, geographically splintered, place-based interests prevented the successful passage of any bill in the pre-War of 1812 period. As state commissioners appointed to lobby Washington reported:

> The population and resources of the state of New-York… [imbue mens'] minds with state jealousy… Your committee… had learned… that unless something was done for many of the states, the consent of a majority of the House of Representatives could not be obtained.[71]

Ultimately, New York State would be the canal's engineer, financier, constructor, owner, and operator, pioneering a new, more activist role for government in shaping the economy and society via infrastructure promotion. In these antecedents to the Erie Canal—the WNILNC, the National Road, and Gallatin's plan—politically light public lands were a constant presence. Public lands served as justification for a more vigorous role for government in the development of transportation infrastructure while helping provide the financial resources to do so and institutionalizing assumptions of Indigenous erasure in the expanding American state. In the case of the Erie Canal, the public lands would also play a role in making what seemed at first an impossible project appear within reach.

MAKING AN IMPOSSIBLE PROJECT POSSIBLE: PUBLIC LANDS IN SUPPORT OF THE ERIE CANAL

Supporting the Erie Canal represented an extremely large risk for the State of New York. The canal was a pioneering proposition on all fronts: administrative, technical, and political. From an engineering standpoint, the Erie Canal was out of scale with any understanding of American capabilities. At the time Britain, not the United States, was considered the center of canal engineering. Early American canals were built with the imported expertise and tools of visiting English engineers but, like the case of the WNILNC, ultimately relied on the liberal educations of resident gentlemen to muddle through any design and construction challenges that would arise (Hawley 1839 [1807]: 310-319; Shaw 1990: ch. 1). The Canal du Midi, the longest canal in the Western world at the time, measured 150 miles long (Mukerji 2009). When completed, the Erie Canal would span 363 miles and use eighty-three locks and eighteen aqueducts to navigate a combined ascent and descent of 675 feet.

The Erie Canal was as unprecedented a public enterprise as it was an engineering one. Government through delegation meant that the turnpikes, toll bridges, and river improvements then dotting the United States were almost entirely privately held enterprises.[72] Moreover, the

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[71] NYS, *Laws of the State of New York in Relation to the Erie and Champlain Canals.* Albany, NY: E. and E. Hosford (1825), pp. 92-93.

[72] Although Congress had approved the National Road in 1806 and begun construction on it by 1811, its modest initial capital outlay ($30,000), shorter distance (130 miles), lower cost of construction, and lack of technological innovation did not render the National Road as transformative a project in Americans' understanding of their government's role in constructing internal improvements.

Erie Canal represented a huge financial risk. While toll bridges were often profitable, the same could not be said for canals and turnpikes which were plagued with high maintenance costs and, in the case of turnpikes, rampant toll evasion. Early estimates put the price tag of the Erie Canal at six million dollars. Compare this with the several hundred thousands of dollars used to capitalize only the most ambitious turnpike corporations, with the great majority requiring $100,000 or less (Taylor 1951: 25).

To meet this massive price tag, New York State considered many different financing schemes, all of which relied heavily on the revenues, growth, and resources legislators saw promised in first the nation's and then the state's public lands. Throughout these early proposals, legislators called upon the public lands as a politically light resource that could reduce the perceived costs of the Erie Canal and make an impossible project seem possible.

Canal promoters began by petitioning the federal government. The omnibus Pope-Porter bill of 1811 discussed above proposed to finance the Erie Canal through a grant of four million acres of public lands in the former Northwest Territory to be sold at no less than $2 per acre or pledged as security for loans to raise funds on credit. Similar land grants totaling 5.9 million acres were attached to fifteen other improvements, which roughly corresponded to the projects outlined in Gallatin's 1808 plan. In the bill's only acknowledgement of ongoing Indigenous inhabitance, the bill stipulated, "That none of the said land… shall any settlement be made thereon until the Indian title shall be regularly and fairly extinguished." Speaking to the assumed inevitability of securing these lands and their perceived costlessness relative to other revenue sources, canal promoters reasoned that even though a looming war with Great Britain rendered direct Treasury appropriations unwise, this objection did not apply to granting the public lands.[73] Legislative wrangling transformed this request for direct land grants into a plea for stock subscriptions from the federal government funded by the sale of those same lands, before ultimately killing the bill (Larson 2001: 62).[74]

After the failure of the Pope-Porter bill, canal commissioners looked to the state's own resources to fund the canal. Although New York State had ceded an area roughly two times its present day extent to the federal government during the Confederation period, New York still retained jurisdiction over considerable amounts of unappropriated western lands. Working off of an estimated total cost of six million dollars, state commissioners evoked assumptions of inevitable western growth to justify such a large expenditure. They argued that, although large in comparison to the state's current revenues and expenditures, "it is almost a contradiction in terms to suppose [this sum]… can be a serious consideration to a million men, enjoying one of the

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[73] NYS, *Laws,* pp. 94-100.

[74] The committee assigned to consider this bill recommended no grant of land or monies on account of the War of 1812. This is despite Gallatin concurring with the petitioners that lands could be granted in lieu of money (U.S. Congress, *ASP Miscellaneous, vol. 2,* pp. 178-9.

richest soils and finest climates under heaven."[75] They argued that, not factoring in any of the expected increases in population, to service a loan for five to six million dollars at the rate of six percent then being offered to the State of New York by European lenders, the state would only have to tax New Yorkers an average of $2.50 per household. Wary of a tax-resistant populace, commissioners argued that this amount was comparable to current federal taxation rates which had already proven themselves bearable. Legislators predicted that as the canal neared completion and began to stimulate commerce and increase land values in the western portions of the state, excise and property taxes would rise, thereby putting the canal on even firmer ground financially.[76]

Financing the canal entirely through public land grants, as the Pope-Porter bill proposed, or via low taxes for which increasing revenues were assumed to be guaranteed with western population growth, allowed canal promoters to project frictionless development with minimal (or rather, minimized) fiscal and political costs. These early, roughly sketched financing proposals allowed New Yorkers to become more comfortable with the prospect of the wildly ambitious canal without wading into the particulars of how it would be paid for.

The War of 1812 put the canal on hold as canal commissioners reported difficulties securing European loans.[77] After peace was restored, the 1816 New York state legislative session opened with a coordinated petitioning campaign for the canal, with petitions streaming into Albany from throughout western New York (Carpenter 2021: 100-103). With debate over the canal jumpstarted and popular support for the canal so publicly demonstrated, state legislators passed a bill authorizing $20,000 to conduct a detailed survey of the potential route.[78]

Upon finding this survey satisfactory, a specially appointed joint committee recommended that the state begin construction at once, warning state legislators that if the canal were not built the commerce and people of northern New York would inevitably drift towards Canada and result in political disunion.[79] Simultaneously, and echoing the joint committee's rationale, canal commissioners wrote another letter to Washington appealing for federal aid arguing that the canal would be necessary for diverting economic activity from Canada, while

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[75] NYS, *Laws,* p. 84. For context, in 1816, the year prior to canal construction beginning, the state's operating budget was approximately two million dollars (NYS, *Journal of the Assembly of the State of New York.* 40th sess (1816-1817), pp. 201-206).

[76] NYS, *Laws,* pp. 71-87.

[77] NYS, *Laws,* pp. 104, 116. Curiously, but in line with legislators' practice of minimizing frontier conflicts to maximize the lightness of the public lands, the petition did not mention the War of 1812 as an impediment to the Erie Canal from a military conflict, Indigenous relations, or territorial control perspective. This is striking considering that intense fighting occurred near the proposed western terminus of the canal (Taylor 2011: 182-199, 228-232).

[78] NYS, *Laws,* pp. 139, 184-186.

[79] Ibid*,* pp. 272-280.

adding that a canal would reduce the "great influence exercised over the western Indians… by the subjects of a foreign government" and thereby strengthen the bonds of "common interest."[80]

To fund the canal, the joint committee opposed the 1812 proposal to levy a direct tax, asserting, "To attempt to raise by taxation, the whole sum… will impose a burthen on the people which would be destructive to the project." Instead, the joint committee proposed a new property tax paid by persons residing in counties directly benefitting from the canal, and appropriating funds "arising from auction duties, of the duties arising from salt… and the whole of the monies, which the state may derive from the sale of unappropriated lands."[81]

The canal commissioners agreed with the joint committee's assessment, opening their own proposal with a reassurance that "these important communications can be opened without any direct tax." The commissioners, however, were more enthusiastic about drawing from the proceeds of public land sales than the joint committee, recommending that *the whole* of the state's "unappropriated" lands—including lands recognized as Indian reservations—be sold:

> The whole of the unappropriated lands of the state, considering the value of several villages, and of the Indian reservations, and the quantity on hand, may be safely estimated at two millions of dollars. If the whole were sold on the usual credit, the annual interest would bring 120,000 dollars.[82]

In addition to selling these lands, the commissioners proposed a new sales tax on steamboat passages. Lands along the canal route—largely owned by the speculation company, the Holland Land Co.—either donated or appropriated by the commissioners, would constitute another source of support. The remaining costs would be covered with loans from European creditors borrowed on the credit of the state.[83] Subsequent legislative debate on the merits of both the commissioners' and joint committee's recommendations concentrated the burden of new property taxes from the residents living in the general vicinity of the canal to only those residing within twenty-five miles of the canal itself. Most drastically and in a sharp departure from precedent, during this same debate the Senate removed proceeds from public land sales from the proposed bill entirely.[84] Although the legislative record is not sufficiently detailed to determine why this funding source was removed, it is easy to imagine why state legislators would balk at the canal commissioners' original proposal. Considering how important proceeds from public land sales had been in funding the state government, no wonder they felt reluctant to sign away the remainder on a gamble as large as the Erie Canal.

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[80] NYS, *Laws*, pp. 294-295. This reference to "western Indians" is ironic given that New York lawmakers knew that their own activities negotiating land cessions from Oneida in the western portions of their state had incited division and conflict, as reported to them by a series of petitions from Oneida factions in 1810 and 1814 (Carpenter 2021: 134-135).

[81] NYS, Laws, pp. 282-283.

[82] Ibid, p. 323.

[83] Ibid, p. 326.

[84] Ibid, pp. 334-364.

Table 3.1 Expected versus actual revenue of the canal fund available to service loans

	Expected income, estimated by canal commissioners, 1817	**Actual income, reported by commissioners of the canal fund, 1821**			
		1817	**1818**	**1819**	**1820**
Auction Duties	60,000	72,061	145,943	111,319	122,653
Public Lands	120,000	-	-	-	-
Steamboats Tax	30,000	16,510	18,903	16,412	6,685
Salt Duty	40,000	2,926	48,784	54,411	67,039
Assessments and Lotteries	50,000	*omitted*	*omitted*	*omitted*	*omitted*
Donations	60,000	*omitted*	*omitted*	*omitted*	*omitted*
Loan Premiums	*omitted*	0	9,040	7,885	23,518
Western Inland Lock Navigation Co. Dividend	*omitted*	0	5,060	0	3,678

Source: NYS 1821: 91; 1825: 326.

President Madison's veto of the 1817 Bonus Bill, which would have earmarked revenue from the newly re-established federal bank towards building roads and canals, showed New York State once and for all that they could not rely on federal government to support their canal.[85] A little less than a month and a half later, state legislators passed an act authorizing state canal commissioners to begin collecting funds to construct their grand canal (Larson 2001: 63-69).[86]

Ultimately, comparing the canal commissioners' proposed revenue streams for the canal fund with its actual revenues from 1817 to 1820 (the last year before toll revenues entered the picture) demonstrates that it was possible to finance the Erie Canal without directly relying on public land grants or sales (Table 3.1). However, while the public lands appropriations may have been removed, the great natural resource wealth of those same lands, and the rapid population growth they sustained—as demonstrated by the revenues from salt duties and the greater-than-expected proceeds from auctions—still helped finance the canal, indirectly implicating the public

[85] One such canal could have been the Chesapeake and Delaware. Speaking to the primarily military and political rationale behind government support of infrastructure projects at the time, Congress had recommended to appropriate $400,000 for said canal on account of its military advantages (US Congress, *ASP Miscellaneous, vol 2,* p. 286).

[86] NYS, *Laws*, pp. 358-365.

lands in the canal's construction in a pattern that would be repeated with Western reclamation (Gates 1968: 28-30; 654-691).

From the National Road to Gallatin's report, public lands had featured heavily in the financing schemes of internal improvements. Erie Canal commissioners initially saw a similarly central role of the public lands. In the Pope-Porter bill, direct grants of massive swathes of federal public lands removed one item from the list of concerns that canal skeptics could use to critique the wildly ambitious and complex project. As deliberations evolved, canal promoters relied on revenues from state public land sales to avoid the destructive specter of a general, direct tax and to substantiate promoters' assurances of inevitable population growth and readily available foreign capital. Although New York taxpayers were a constant presence on legislators' minds, canal promoters' visions of development in western New York did not include any Indigenous presence, even—as the commissioners' 1817 calculus of the state's unappropriated lands reveals—on mutually recognized Indian reservations. By invoking the public lands in these ways, canal promoters were able to mobilize the public lands as a politically light resource that helped make an impossible project seem possible by minimizing its perceived costs.

While these legislative debates demonstrate how assumptions of inevitable Indigenous dispossession allowed state lawmakers to mobilize the public lands so freely, a significant portion of New York's western lands were still encumbered by Indian title. The largest impediment to the canal's development was the Buffalo Creek Indian Reservation lying just east of the western terminus of the Erie Canal. Situated on Seneca homelands, ironically the 84,000-acre reservation had become a refuge for displaced Haudenosaunee from throughout the state, including Oneida, Cayuga, and Onandaga. Philip Schuyler had helped dispossess many of these communities in central New York mere decades before as part of his WNILNC development schemes. In a further irony, it would be salt-rich western lands ceded by the latter two communities in this earlier period that would prove essential to funding the Erie Canal. By midcentury, with the aid of Erie Canal promoters such as Peter Buell Porter (of the Pope-Porter bill) and under duress from encroaching white settlement, almost all these lands would be sold (Hauptman 1999: 76-77, 107-120, 149-161).

INTERNAL IMPROVEMENTS AFTER THE ERIE CANAL

For the State of New York, their gamble proved a success. The Erie Canal stimulated economic growth all along its route by linking emerging grain producers in the Midwest with a global market, making New York City the primary commercial center of the eastern seaboard. Population boomed as settlers flooded west along the canal, catalyzing a threefold increase in population beyond the canal's western terminus between 1825 and 1850 (Bernstein 2005: ch. 19-20; Johnson 1978). In 1825, its first year of full operation, tolls collected on the Erie Canal's freight proved to be five times greater than what was necessary to cover the interest on the canal's outstanding debt. By 1837, the entire loan on the canal was repaid (Bernstein 2005: ch. 19-20; Miller 1962). Visitors from around the world came to float on the canal and marvel at its technical achievements (Sheriff 1996). Men who had cut their teeth on the canal were soon in high demand for similar projects throughout the nation (Calhoun 1960: 34-37). As a successful test of American engineering capabilities, the Erie Canal inaugurated the first generation of American professional civil engineers.

The technical and financial success of the Erie Canal transformed a muddy waterway only forty feet wide and four feet deep, termed the Big Ditch during its construction, into the eighth wonder of the world (Shaw 1966: 87; Wyld 1962: 16). The canal turned on its head the then-dominant European assumption that internal improvements should follow dense settlement (Murphy 2015: 173-174, 205), and instead resignified infrastructure projects as stimulants of growth. Far beyond uniting the state in "an indissoluble community of interest," the success of the Erie Canal demonstrated the power of infrastructure to spur economic activity and cemented large-scale infrastructure projects in the public imagination as potent symbols of national ingenuity and prosperity (Nye 1994; see also Larkin 2013), with government playing a key role in their provision.

A canal and then railway boom followed. Capital was free-flowing as other states and private ventures tried to replicate New York's success. In 1816, the United States had less than one hundred miles of canals. By 1840, there were 3,326. Pennsylvania, Ohio, and Indiana joined New York in launching extensive systems of state owned and operated canalways. State bonds totaled $108 million in the 1835-1837 period, with over half of this debt incurred for canal construction cost (Taylor 1951: 48-52). Proceeds from the sale of Indigenous lands provided significant revenue for the purchase of these bonds (Connolly 2022; Saunt 2019).

While canals did not prove to be a fiscal boon and in fact drove three states to bankruptcy (Taylor 1951: 52-53), this did not turn Americans off the promise of infrastructure-led development. By the 1840s, the fervor for canal building had been replaced by a mania for railroads. Total railroad mileage exploded from 73 miles in 1830 to 30,636 in 1860 (Taylor 1951: 79). Unable to rely on financially strapped states and facing intractable competing interests from local boosters, early railroads were largely privately owned and operated with municipal governments leading the way in providing aid through the 1840s (Dunlavy 1991; Scheiber 1975).

Nonetheless, state and federal support soon followed, and with it again came substantial subsidies from the public lands (Taylor 1951: 90-94). By 1862, Congress had promised land grants totaling almost 28 million acres to fifty railroad companies for 8,647 miles of track. With the 1862 and 1864 Pacific Railway Acts authorizing federal support for the first transcontinental railroad—and before Indian title along the entire route had been extinguished—Congress granted another 34,560,000 acres of land to the Central Pacific and newly chartered Union Pacific Railroad (Carlos et al. 2022: 24; Gates 1968: 362-367; Karuka 2019).

With a government-subsidized transportation infrastructure stretching from sea to sea, the new frontier was not westward expansion but reclamation. Once again, it would be up to government and the public lands to accomplish the task. The Newlands Act of 1902 created the Bureau of Reclamation, which would provide financial, technical, and operational support for

Table 3.2 Sources of Reclamation Funds, 1903-1966

Sale of public lands	$177,804,595
Oil leases	$753,438, 127
Other mineral royalties	$37,893,808
Water power licenses	$2,370,180
Collections	$1,330,421,258
Subtotal of Reclamation Funds	$2,232,559,545.
Appropriations from General Treasury	$2,786,969,052
Total Funds Available for Bureau of Reclamation Projects	**$5,019,528,597**

Source: Gates 1968, p. 29

irrigation and hydroelectric works throughout the arid American West. Combining publicly owned infrastructural works and federal engineering expertise with private contractors, the Bureau was the result of over a century of experimentation with government promotion of infrastructure. And, like the railroads and canals before it, the Bureau would rely on the public lands. All but five percent of proceeds from public land sales in the sixteen arid Western states were diverted into its Reclamation Fund. Subsequent legislation similarly diverted proceeds from leased mining rights and the revenues from the sale of hydropower at Reclamation dams.

Although the Bureau was meant to be self-liquidating, this was never quite achieved. Substantial appropriations had to be made first in 1933 from the New Deal Public Works Administration and then from the U.S. Treasury's general fund from 1936 onwards to complete Reclamation projects such as the Hoover Dam (Table 3.2) (Gates 1968: 28-30; 654-691; Short and Stanley-Brown 1939). By the mid-twentieth century, despite complex and increasingly visible struggles with Native nations over land grants, water rights, and self-determination (Curley 2021; Espeland 1995), regularized subsidies for Reclamation and the rise of concepts such as "public goods," Keynesian macroeconomics, and "development" normalized the expectation that infrastructure projects such as the Erie Canal, the first transcontinental railroad, or the Hoover Dam could be unprofitable yet still merit support through the public purse (Ekbladh 2010; e.g., Goodrich 1960; Pickhardt 2006, although see Fogel 1960). Infrastructure promotion had become part of the taken-for-granted domain of governmental action. Undergirding this new common sense lay more than a century and a half of government experiments with infrastructure promotion supported by public lands made politically light through assumptions of Indigenous erasure.

BROADER IMPLICATIONS AND CONCLUSION

This chapter has demonstrated how processes of Indigenous dispossession and erasure were institutionalized into American political and economic development via the public lands and the government experiments with infrastructure promotion those lands were called upon to support.

As the documents examined for this study demonstrate, even when writing still unceded Indigenous lands into their various fiscal plans, the full costs and contingencies of the public lands rarely appeared in the calculus of early American state builders, thereby reducing the perceived costs of the projects in question.

Considering the costly and conflict-ridden processes behind mobilizing the public lands, it is possible to imagine a counterfactual world in which legislators would try to include the full costs of the public lands' acquisition in their cost-benefit analyses, make accommodations for Native nations in their deliberations, or write in meaningful contingency clauses in the face of ongoing Indigenous resistance. Instead, as this chapter illustrates, early American state builders spoke and acted as if the acquisition of Indigenous lands was a *fait accompli*, a rhetorical erasure of Indigenous presence which—via the infrastructure projects and westward expansion these politically light public lands would support—served to prefigure their erasure in practice.

Given the significance of the public lands in American political and economic development, this chapter ends by briefly discussing the implications of these findings for conceptualizing the United States as a case of settler colonial state formation and for understanding the formation of the modern, developmental state more generally.

Centering Land in American State Formation

Existing research suggests that it is significant that the public lands gave Americans a source of financial support with few (perceived) strings attached. As this chapter illustrates, unlike many other postcolonial states in the twentieth century (Babb and Carruthers 2008; Centeno 2002), by calling upon the potential of its untapped western lands Americans were able to secure loans from foreign creditors without burdensome conditionality requirements or ceding control of their domestic businesses. Therefore recognizing the public lands as one of the under-appreciated inputs of American economic development has implications for understanding the United States' developmental path vis a vis other nations. Further research would be required to determine how the United States mobilized its public lands compared to other states and how this affected its long-term economic development.

Beyond the United States' economic development, this chapter also suggests how the vast expanse of the public lands may have influenced the United States' political development. The United States was able to call upon its public lands to generously and liberally experiment with aid to private actors in many different forms. This may have allowed a "weak state to act robustly" (Frymer 2014), and supported the emergence of a particularly delegated or hidden form of state power (Balogh 2009; Novak 2008).[87] The ability to externalize the full costs of mobilizing the public lands from its developmental schemes only further facilitated this process.

From this perspective, the decision for New York State to step in when it did to build the Erie Canal becomes an illustrative example of the limits of delegated forms of governance and suggests an alternative mechanism through which state authority began to expand and centralize in the United States. Instead of being catalyzed by the demands of war making (Bensel 1990; Tilly 1990) or industrialization (Weber 1958), it may have been the complexities of governing over large geographical scales that induced the expansion and rationalization of state authority in the United States. Further research that puts land, and the resources and challenges attached to governing land, at the center of its analysis is required to illuminate the United States as a case of settler colonial state formation.

Resisting Erasure and Accounting for the Full Costs of Development

Beyond the case of the United States, these findings also have implications for understanding the origins of the developmental state more generally, and the unaccounted-for trade-offs and assumptions embedded therein. As this chapter demonstrates, the political lightness of the public lands helped tip the calculus of what we now call development in infrastructure promoters' favor. The persistent specter of tax-resistant settlers, and the systematic exclusion of Indigenous interests from the legislative debates examined here, speaks to how tenuously these costs were balanced, and suggests that the political feasibility of massively transformative development projects has historically relied on constitutive exclusions.

Therefore, when collective action by Indigenous peoples—such as in the case of the Standing Rock Sioux and the Dakota Access Pipeline (Steinman 2019)—successfully disrupts infrastructure development, these movements are significant not only for asserting Indigenous presence, but also for demonstrating how fragile the calculus of development can be. These movements teach us that simply demanding meaningful recognition of tribal rights and insisting on alternative ways of relating to land, people, and economy can be enough to unsettle settler assumptions of what the acceptable costs of growth should be. To this end, concepts such as political lightness can help scholars diagnose the power relations implicitly institutionalized in budgets and identify the fiscal resources which may be smuggling in under-scrutinized assumptions that undercut the equity, sustainability, and justice of public initiatives advanced in the common interest, and what the boundaries of that "common" interest are.

[87] Consider, for example, Prussia as a counterfactual case. If the primary reason Prussian officials chose not to intensively involve themselves in railroads was a lack of fiscal capacity (Dunlavy 1991: 22), then the existence of an asset like the public lands would have enabled more directly interventionist policies in line with Prussian ideals of centralized administration.

Empire for Liberty

How Federalism Territorialized Sovereignty and Complicated Territorial Development

When the United States Constitution was ratified in 1789, it marked the founding of what would become the world's first and oldest federal state—a model for democratic governance that has been adopted the world over (Stepan 1999). The imperial roots of this federal state, however, have been largely ignored. While existing scholarship has investigated the conditions under which federal states can be constituted (Riker 1987, Ziblatt 2006), analyzed the stability of federalism's institutional form and its effects on public policy (Figueiredo, Jr. and Weingast 2005; Rodden 2002; Tiebout 1956), and evaluated its opportunities for democratically managing multinational polities (Stepan, Linz, and Yadav 2011), this literature has not sufficiently problematized federalism as the historical successor to empire (although see Ablavsky 2019, 2020).

Namely, by apportioning sovereignty *geographically,* federalism made territorial expansion—and, as this paper demonstrates, uneven economic development—politically sensitive in a new way. Under imperialism, where relationships between the metropole and colonial outposts were negotiated on a case-by-case basis, the addition of new territorial subunits or changes in the relative strength of territorial subunits did not necessarily have implications for the stability of the state as a whole. It was expected that colonies would be politically subordinated to the center and that colonies would not necessarily be equal to one another. United States federalism turned this expectation on its head. In the United States, to strike the federal bargain necessary to bring the sovereign states together under first the Articles of Confederation and then the Constitution, the United States enshrined equality between the states (Riker 1987: 17-42)—what Alfred Stepan (1999) calls "symmetrical" federalism—thereby denying the asymmetries of imperial rule. However, because states were formally equal to one another, the addition of new territorial subunits on equal political footing, or changes in the relative power of each, would have implications for the balance of power in the federal state as a whole. In an age of empires and with imperial ambitions of its own, how would American federalism accommodate territorial expansion and development?

In this study, I examine the legislative debates surrounding the first transcontinental railroad to address this question. I begin by analyzing federalism as an outgrowth of empire and addressing the more straightforward case of territorial expansion. In the antebellum period, federalism was not able to resolve debates over slavery. Instead, by using what I call here the "scalar fix" of making slavery an issue of states' rights, federalism allowed early Americans to sidestep the question of slavery *except* in cases of territorial expansion when the incorporation of new states became contingent on maintaining the balance of power between free and slave states. I then turn to the case of the first transcontinental railroad to observe whether similar dynamics hold in the case of territorial development. I argue that the case of the first transcontinental railroad demonstrates the limits of federalist systems to make decisions over land. Legislators debated authorizing the first transcontinental railroad for over decade, moving through three phases in their deliberations: *imperial expansion, sectional realignment,* and finally *existential stalemate.* Ultimately, the 1862 Pacific Railway Act could only be passed after the outbreak of the Civil War when Southern interests were removed from Congress. Putting these debates over the first transcontinental railroad in broader historical context reveals a pattern of legislative gridlock over territorial expansion and development in the United State from the Missouri Compromise of 1820 through the Homestead Act and first transcontinental railroad.

FEDERALISM AS AN OUTGROWTH OF EMPIRE

By *federalism*, I mean political organizations that constitutionally recognize the sovereignty of central and subnational governments and allocate final say over some activities of government to each (Volden 2004: 91; Ziblatt 2006: 4-5). By *sovereignty*, I mean the power to legitimately create and uphold binding law (Ablavsky 2019: 1797).

Scholars have long recognized that federalism is a historical successor to empire. For example, William Riker (1987) describes federalism as arising out of a "constitutional bargain" that the administrative subdivisions of empires made to consolidate themselves into larger federations that could better defend themselves from military conquest and pursue economic development. Riker identifies the United States as the first modern federalist system. Prior to the United States, federations were effectively military alliances that dissolved as soon as the immediate demands of war-making or defense passed. The success and stability of the United States under its 1789 Constitution demonstrated the ability for federal unions to create stable states, and spawned the global adoption of federalist Constitutions throughout the nineteenth and twentieth centuries (Riker 1987: 7-12).

From a Rikerian perspective, the main puzzle of federalism is the institutional challenge of balancing the peripheralizing and centralizing features of federalism. Riker distinguishes between "peripheralized" and "centralized" federal states, wherein the power to determine what happens in the state as a whole either lies with the political subunits or with the rulers of the federation. While the former has a tendency to disintegrate over time, the latter has a tendency to further centralize power, thereby eroding the independence of political subunits and eventually leading the federal state to collapse inwards. Given that political subunits are disinclined to give up power, Riker asks what conditions must obtain for a successful bargain to be struck, and how federal states prevent themselves from either disintegrating in the face of secessionist movements or collapsing into unitary states over time. Riker and his students devoted much of their research on federalism to examining these dynamics (e.g., Riker 1964, 1987; Volden 2004), and subsequent research has similarly followed the Rikerian tradition (e.g., Figuerido, Jr. and Weingast 2005; Stepan 1999; Yadav et al. 2011; Ziblatt 2006). A separate stream of research has investigated the efficiency of federalist systems for communicating individuals' preferences and allocating local public goods (Tiebout 1956; Rodden 2002, 2006).

Therefore, although the existing literature has long recognized federalism's imperial origins, this research has not been focused on problematizing federalism as the historical successor to empire. Empire did not only provide the constitutive units of future federal states. Omitting empire produces significant analytical gaps. For example, Gregory Ablavksy's (2019, 2020) work demonstrates how the shift from the weak, peripheralized federalism of the Articles of Confederation to the centralized federalism of the Constitution was driven at least in part by the demands of imperial territorial expansion. In the face of states and citizens clamoring for westward expansion in spite of legally recognized Native title, federal authority was both *elevated* above that of states' and citizens' authority in order to uphold the rule of law, and *expanded* to provide military protection when settler encroachments provoked violence. This imperial context enabled the federal bargain to be struck, yet it is almost entirely absent from Riker's analysis of the 1787 Virginia Plan and subsequent Constitutional Convention (1987: 17-41). However, it was this imperial context that gave urgency to James Madison's concerns over the lawlessness of the states and helped birth the U.S. Constitution as the first instance of centralized federalism.

The Historical Puzzle of Federalism

The United States emerged as the world's first example of centralized federalism as it was pursuing imperial expansion. While existing research on federalism can be understood as investigating the institutional puzzles of federalism, understanding how the United States and other early federal states navigated this transition from empires to federal nation-states—and with what consequences—constitutes the *historical* puzzle of federalism.

Despite how foreign it may seem to a modern observer, early American state builders perceived no contradiction between empire, republicanism, and federalism. By empire, I mean "expansive, militarized, and multiethnic political organizations that significantly limit the sovereignty of the peoples and polities they conquer" (Steinmetz 2014: 79). By republicanism, I refer to early American state builders' entangled commitments to popular sovereignty and its institutions of representative government, the liberal conception of freedom these state builders had rooted in property ownership and economic independence, and—as a result of these commitments—Americans' preference for small and local government over centralized, distant authority.

Today, empire and republicanism are more likely to be understood as contradictory than complementary. "Empire" evokes connotations of colonial domination, economic exploitation, and overweening militarism. As such, empire seems incompatible with the republican principles of popular sovereignty and liberty. However, in the late eighteenth century empire did not necessarily have connotations beyond those of national aggrandizement. When Americans critiqued British empire, they were rejecting distant and overbearing monarchical power—not empire wholesale (Onuf 2012: 86). Like Britain, the United States had its own imperial ambitions of national aggrandizement and territorial expansion.

Accordingly, early Americans used the language of empire to describe their experiment in republican self-government. Thomas Jefferson envisioned the United States as an "empire for liberty" that could spread the blessings of self-government throughout the continent by uniting sovereign republics in an ever-larger federal union. This was a vision of national expansion based on consensus, not conquest, with no territorial limits (Onuf 2000). From this perspective, federalism *enabled* empire, rather than hindering it.

However, while early Americans saw no contradiction between empire and federalism, federalism did problematize empire. Namely, by apportioning sovereignty geographically, federalism made territorial expansion and development politically sensitive in a new way.

In empire, geography was only one principle among many that delineated relations of imperial rule. Although empires came in manifold instantiations, they were united by their centripetal but territorially fragmented and uneven nature. Centralized imperial rulers negotiated different rights, privileges, and obligations on a case-by-case basis with local elites. As such, power tended to flow through relationships instead of being tied to particular places (Ablavsky 2019: 1802-1804; Ford 2010: 13-17). This legal pluralism was accompanied by territorial ambiguity. While imperial powers did lay claim to vast territories, effective influence was often isolated to the corridors and enclaves through which imperial agents actually moved (Benton 2009). As such, imperial rule coexisted side by side with other customary sources of sovereignty such as those tied to social status, religious affiliation, or local tradition. In sum, it can be said that in empire relations of power and influence emanated downwards and outwards from a single imperial center to varied outposts.

American federalism—with its geographic division between national and subnational governments—took the multiple, overlapping sources of sovereignty under empire and restricted them to a single source, "the people," who delegated their sovereignty to first state and then federal governments (Ablavsky 2019; Onuf 2000: 21-39). By restricting the exercise of sovereignty to federal and state governments in this way, federalism gave sovereignty clear geographic boundaries and elevated the authority of those boundaries to establish legal jurisdiction above all others. Establishing the supremacy of the sovereignty of state and federal governments in an environment of legal pluralism took time, as attested by Shay's Rebellion

(Ablavksy 2019: 1812-1835) or the decades-long convergence of state, federal, and Indigenous conceptions of jurisdiction in early 1800s Georgia (Ford 2010). Nonetheless, state and federal boundaries emerged as the ultimate markers of legal jurisdiction and sovereignty in the United States.[88]

Significantly, the federalism of the United States Constitution denied the inequalities of imperial rule. Existing states were treated equally in the United States' founding documents, from the Declaration of Independence to the Constitution. Although Congressional representation of states varied in the House of Representatives, states were represented equally in the Senate. No states enjoyed constitutionally enshrined special privileges vis-a-vis the others. Moreover, to avoid the concentration of power so characteristic of imperial metropoles, the Northwest Ordinance laid out a system for admitting new states into the union on equal political footing (Onuf 2019; 2000: 39). While empires were fragmented, uneven, and centripetal, the federal union laid out in the United States was a homogenous space where political subunits were formally equal and governmental authority was understood to emanate equally from, and apply evenly to, each territorial container.

Unanticipated Consequences

Splitting sovereignty in this territorialized and symmetrical way, however, made it problematic to make changes to the geographic shape and political contours of the union. Unlike in empires, where the imperial center could extend or retract its corridors and enclaves of influence without necessarily impinging on the empire as a whole, in federalism every decision to expand the federal union or enact policy that could change the geographic distribution of residents had implications for the balance of power in the federal union as a whole. The full implications of this development were not immediately evident to early American state builders.

In his second inaugural address, shortly after signing the Louisiana Purchase into law, Thomas Jefferson asked, "Who can limit the extent to which the federative principle may operate effectively?" (quoted in Onuf 2000: 53). Jefferson did not predict how federalism could not only enable territorial expansion, but also hinder it.

Federalism complicated territorial expansion in two ways. First, by simultaneously making territory the primary container of political power and creating a geographically nested hierarchy of governments, federalism gave each state a stake in the affairs of others. It did so by constituting the sovereignty of the federal union as superior to that of the states, which thereby created a mechanism wherein the preferences of one part of the union—provided that part could effectively influence federal policy—could have influence over the union as a whole. Second, by insisting on recognizing the equality of states, the United States' system of symmetrical

[88] This is not to say that the territorialization of sovereignty was ever complete. Indigenous peoples continue to occupy an ambiguous legal status within the United States (Steinman 2011, 2012), and the imperial powers continue to extend their zones of influence beyond their territorial borders by creating legally plural "global borderlands" such as special economic zones and military bases (Reyes 2019).

federalism meant that the incorporation of new states necessarily meant granting those new states representation in the House and Senate equal to that enjoyed by existing states.

Pro-slavery representatives at the Constitutional Convention recognized the threat a stronger federal government represented to their peculiar institution. Under empire, as a collection of British colonies, the status of slavery in each colony did not necessarily impinge on that of slavery in the others. Each tentacle of empire could be articulated independently from the rest. In theory, the principles of noninterference and equality underpinning American federal bargain allowed for a continuation of this state of affairs. However, in practice, the supremacy of federal authority made the status of slavery provisional on the balance of power within the federal union as a whole. Pro-slavery delegates understood this well (see Robinson 1971: 168-247). During the Convention, Southern states made it a priority in their negotiations to secure some apportionment of federal representation for their enslaved populations, thereby bolstering their power within Congress. Although Southerners advocated for a stronger federal government compared to that outlined in the Articles of Confederation, they also made it clear that any attempts to regulate slavery at the federal level would result in Southern states refusing to ratify the Constitution. Despite commanding a smaller share of representatives at the Convention under both the Articles and the proposed Constitution, Southerners used their unity on the slavery question to push through these compromises. Presaging the conflicts over the Fugitive Slave Act in the mid-nineteenth century, some of the last questions resolved during the Constitutional Convention concerned the rights of slaveowners and fugitive slaves in states not their own.

By repeatedly registering their unwillingness to address the question of slavery in the Constitution, Southern states subsumed slavery into the domain of states' rights. The nested geographical organization of sovereignty under federalism meant that simply altering the geographical scale of the decision-making unit in this way could "resolve" conflicts. Whereas slavery was contentious in the federal union as a whole, scaling down to the state level allowed for the exclusion of dissenting positions. This scalar fix allowed early Americans to avoid confronting the most intractable question of the period. In the decades following, and despite the persistent efforts of abolitionists petitioning Congress otherwise (Carpenter 2021), legislative conflict over the question of slavery primarily occurred via battles over balance of power between slave and free states in Congress—not on the question of slavery itself. The main exception to this trend, the recurrent debates over fugitive slave laws, were an exception that proved the rule. The status of persons enslaved in one state but located in other parts of the union was also, at heart, a question of states' rights and the nature of the federal union.

Tellingly, legislators' studied avoidance of the slavery question broke down when the status of slavery in the territories or admission of new states was under question. The admission of new states, either slave or free, would alter the balance of power in the House and Senate. To retain the balance of free and slave states in the Senate, the Missouri Compromise of 1820 paired the admission of Missouri as a slave state with that of Maine, a free state, and prohibited slavery above the 36°30′ parallel within the remaining Louisiana Purchase lands. This Compromise would break down after the Mexican-American War, as California petitioned to join the Union undivided as a free state instead of extending the 36°30′ parallel to the Pacific Coast. The resulting Compromise of 1850 and Kansas-Nebraska Act would repeal the Missouri Compromise, re-litigating the question of slavery in the territories in a series of increasingly bloody battles that ultimately ended in civil war.

From the perspective of the historical puzzle of federalism, these fraught compromises were not only debates over states' rights or slavery, but also reflections of the limitations of the United States' symmetrical federal structure for resolving or even managing finely balanced political differences in a context of territorial expansion. While empire can incorporate new territories without altering the political balance of power in the core, federalism raises the stakes of territorial expansion wherein the incorporation of each new political subunit can threaten to destabilize power in the center. As this chapter demonstrates, the legislative gridlock over the first transcontinental railroad illustrates how these limitations extended beyond territorial expansion into questions of territorial development.[89]

THE FIRST TRANSCONTINENTAL RAILROAD AND DEBATES OVER TERRITORIAL DEVELOPMENT

By the time debate over the first transcontinental railroad began in 1845, it was clear how territorial expansion was problematic in a federal union where power was so finely balanced between free and slave sections. What was less clear was how federalism could also complicate uneven territorial development.

To recap, thus far I have argued that federalism emerged from empire and territorialized sovereignty by making geographically defined state and federal governments the ultimate carriers of popular sovereignty. Analyzing how the United States navigated governance challenges that emerged from this transition from imperial to federal relations of rule constitutes the historical puzzle of federalism. One such challenge was that of territorial expansion. Federalism complicated territorial expansion because the addition of new states on equal footing with the old could alter the balance of power in the federal union as a whole.

In theory, federalism should complicate both territorial expansion *and* development. If federalism complicated territorial expansion because the addition of new states could shift the balance of power in the federal union via the addition of new Congressional seats, then federalism should also complicate territorial development by shifting the geographic distribution of population and thereby the distribution of House seats. The history of legislation leading up to

[89] For a Congressional analysis of statehood debates in the post-Civil War period, see McCarty, Poole, and Rosenthal (2002). McCarty et al. find that in the post-Civil War era, the demands of balancing free and slave states transformed into the demands of maintaining partisan balance between Republicans and Democrats. This observation helps explain the challenges of present-day statehood efforts, such as for the District of Columbia or the State of Jefferson, which have implications for the partisan balance of Congress.

the debates over the first transcontinental railroad, however, provided a mixed bag in terms of evidence for how federalism impacted debates over territorial development.[90]

The history of canal promotion suggested that federalism was able to serve as both a help and hindrance to infrastructure promotion. As this dissertation demonstrated, state jealousy prevented the Erie Canal from being built as a federal project and led to protracted squabbling over both the Cumberland Road and the ultimately unsuccessful efforts to build an integrated system of internal improvements (see also Scheiber 1969, 1975). However, federalism also gave infrastructure promoters their own scalar fix by allowing them to unilaterally pursue projects at the state level.

However, a number of canal projects were able to secure federal support and, by the 1850s, the federal government was supporting a deluge of railroad initiatives. The debate over the first transcontinental railroad occurred during an era characterized by what McCormick (1979) has called "distributive" policy-making, wherein the primary economic activity of government was the distribution (as opposed to regulation or redistribution) of resources and privileges. Between 1851 and 1860, the federal government granted more than 37 million acres of the public lands to Western states and territories for internal improvements (Table 4.1). In this period, partisan legislators seemed to be freely meting out special privileges as an extension of their patronage politics. Considering this context, the more than fifteen years of debate necessary to authorize the first transcontinental railroad requires explanation. How and why, then, did the transcontinental railroad produce legislative gridlock?

Historical Context

To address this question of how the transcontinental railroad produced legislative gridlock, this study examines the debates over the first transcontinental railroad. Although much has been written about the earliest transcontinental railroads, surprisingly little has been written about the 1862 Pacific Railway Act that enabled the first of them.[91] This is surprising on multiple fronts.

For scholars of business history, economic regulation, and political economy, the Union Pacific Railroad Company (UPRR) chartered by the 1862 Act was one of earliest examples of a

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[90] The first transcontinental railroad was chosen for this study because its national scale and contemporaneously recognized political and economic importance made it a particularly active and public forum of debate over questions of territorial development. Unlike smaller projects that could be pushed through Congress by interested local officials "out of view" of broader publics, the transcontinental railroad commanded national attention from the moment it was first introduced in Congress.

[91] See, for example, Fogel (1960), Klein (2006), and White (2011). For a treatment that is relatively strong on the debates leading up to the 1862 Act, see Davis (1894). For an excellent discussion of the politics of railroad investment, although not the 1862 Act in particular, see Usselman (2001).

Table 4.1 Public lands granted by Congress to the several States or Territories for internal improvements in acres

State or Territory	1851	1860
Ohio	1,243,002	1,213,003
Indiana	1,609,862	1,609,561
Illinois	2,746,400	2,595,053
Missouri	500,000	2,315,435
Alabama	730,400	2,832,918
Mississippi	1,049,120	2,187,503
Louisiana	500,000	1,602,560
Michigan	500,000	4,346,000
Arkansas	500,000	3,956,000
Florida	500,000	2,122,800
Iowa	825,078	4,811,078
Wisconsin	858,400	2,692,171
Minnesota	0	4,916,000
California	500,000	0

Source: U.S. Senate, *Congressional Globe,* 32nd Congress, 1st session, p. 1066; U.S. House of Representatives, *Congressional Globe,* 36th Congress, 2nd session, p. 92.

federally chartered corporation.[92] Although legislators and the public alike enthusiastically supported the idea of a railroad that could link the Atlantic and Pacific coasts, it was not clear how this outcome was to be achieved. Some advocates insisted that the railroad should be wholly constructed, owned, and operated by the federal government as a military expense. Others argued that private railroads—incentivized by grants of public lands or guaranteed contracts for the transportation of mail, troops, and military supplies—could build the transcontinental in parts. Some saw no role for federal involvement at all. The ultimate outcome, which was the incorporation of the UPRR and the decision to promote railroad construction through a series of

[92] Earlier federally chartered corporations include the first and second Bank of the United States. Although scholars often cite the Tennessee Valley Authority (TVA) as one of the first public-private corporations in the United States (Selznick 1949), the UPRR predated the TVA by 71 years. From the perspective of contemporary classifications of quasi-government organizations (Kosar 2008), the UPRR could be considered a mix between a government-sponsored enterprise (GSE) and a commercial corporation. Although the UPRR meets the statutory definition of a GSE, it is not primarily a financial institution like currently recognized GSEs such as Fannie Mae and Freddie Mac (104 Stat. 1388-607, Sec. 13112; 2 U.S.C. 622[8]). Instead, like the U.S. Postal Service or the TVA, the UPRR provides goods and services and was designed to generate revenues to cover its costs. Kosar (2011a, 2011b, 2013) terms these organizations as “commercial corporations.”

bonds and public lands grants, was far from obvious. In a period when corporations blurred the boundary between public and private action (Novak and Lamoreaux 2017), the decision to charter a private railroad company was a compromise born of almost two decades of debate and decades of experimentation with promoting internal improvements through all manner of public and private means. With its requirement to construct the railroad as a "first class" railroad and provisions for regular government oversight, the UPRR laid early groundwork for more vigorous federal regulation.[93] It is surprising that scholars have not devoted more attention to understanding its origins or consequences.

For scholars of American territorial expansion and overseas empire, the debates leading to the Pacific Railway Act offer a gold mine of data. Congressional debate over the first transcontinental railroad began in 1845, in the midst of the Oregon boundary dispute with Britain, ongoing debates over Texas annexation, and at the eve of the Mexican-American War. In the period following the end of the Mexican-American War, surveys of newly acquired lands in the American West and beyond to Japan represented a massive outlay of government spending estimated to be between one fourth and one third of the federal budget in the 1850s (Maier, Smith, Keyssar, and Kevles 2002: 474). Largest and most well-publicized among these were the Pacific Railroad surveys, which were commissioned in 1853 to survey potential routes for the railroad. These surveys provided practical information to settlers about routes west, enchanted the public with vivid descriptions of the landscapes and people living in distant territories, and ignited Americans' imaginations of territorial expansion. Despite considerable expense, Congress authorized printing these surveys according to the highest standards and sent copies of the multi-volume series throughout the United States and abroad to locales as distant as Moscow.[94] Simultaneously, legislators proposed visions of American-controlled transcontinental railroads beyond the nation's borders in Mexico, Nicaragua, and Panama.[95] These debates made the scale of Americans' territorial ambitions clearly visible and laid the groundwork for the waves of settlers pouring west.

Finally, for scholars of American land policy, the decision to grant the UPRR alternating sections of the public lands reflects decades of debate over how the federal government should administer the public lands. In the antebellum period, the question of the public lands can be understood as a cipher for broader questions about the balance of power between the federal government and the states; the rights of old versus new states where the federal government retained control over unappropriated lands; the competing interests of settlers, speculators, and

[93] See "Letters Sent Concerning Pacific Railroads, 1862-1872," Volume 1, Office of the Secretary of the Interior, Lands and Railroads Division, Record Group 48 (NAID 302016), National Archives at College Park, MD.

[94] For debates over the costs of printing and distributing said surveys, see the 33rd Congress (House debates on 12 February 1855) and 34th Congress (Senate debates on 24-25 March 1856, 7 May 1856, and 13 May 1856). For records documenting the process of printing the surveys and where the surveys were sent, see "Subject correspondence, 1852-61," Boxes 4-5, 7-9, Office of Explorations and Surveys, War Department, Record Group 48 (NAID 1257345), National Archives at College Park, MD.

[95] See, for example, the 30th Congress (Senate debate on 1 February 1849), the 32nd Congress (Senate debate on 19 and 29 July 1852), and the 33rd Congress (House debate on 28 June 1854).

slaveowners; and the role of the federal government as a trustee of the public lands for the general public. Tracing the evolution of land grants to railroads offers a through line to these debates.[96]

This chapter brackets these rich twists and turns to instead focus on what the debates over the first transcontinental railroad can teach scholars about the nature of political contention over territorial development in a federated republic and, by extension, the nature of American state formation as an empire in transition.

Data

To address this question, I conduct a comprehensive review of the debates leading up to the 1862 Pacific Railway Act. This review goes beyond a legislative history of the 1862 Act itself, which would only identify moments related to the debate and passage of the 1862 bill itself. Instead, this study uses keyword searches in ProQuest Congressional to identify every instance that a transcontinental or Pacific railroad was mentioned in the House or Senate from the 28th through 37th Congresses (1845-1863). After processing these results to remove false positives, this process identified 1,177 days during either House or Senate debate in which a transcontinental railroad was discussed, spanning over nine thousand pages of the *Congressional Globe*. With the help of a team of undergraduate assistants, these pages were then individually reviewed and the course of the debates summarized to understand the evolution of the debates over time.

Although labor-intensive, this process allows for an understanding of the debates over the transcontinental railroad in their broader legislative and political context. The bill that ultimately became the 1862 Act was one of many introduced over this period. The prospect of constructing a transcontinental railroad was also much discussed outside of the context of passing a Pacific railroad bill. The railroad was discussed in the context of military strategy, of public lands policy, of the constitutionality of internal improvements, and, not least of which, in the context of the sectional division between free and slave states. These references to a Pacific railroad in the context of other legislative issues would be overlooked by methods more narrowly focused on the 1862 bill itself. Relatedly, although the existing literature has noted the connection between the transcontinental railroad and sectional conflict (Maier, Smith, Keyssar, and Kevles 2002; Usselman 2001), the evolution of the legislative stalemate that resulted from this sectional conflict evolved has not been traced in detail. The data collected here allows for this analysis.

Debating the First Transcontinental Railroad

This study finds that legislative gridlock only occurred *after* the sectional implications of the transcontinental railroad became clear. Legislators moved through three phases in their

[96] See, for example, the extensive debates over the Iowa Railroad Bill in the 32nd Congress. Senator Dodge (D-IA) described the bill as a model bill for such grants of land (*Congressional Globe,* 21 January 1852). Important earlier precedents were the debates over graduating the price of the public lands in the 29th and 30th Congress (*Congressional Globe,* 29th Congress, 20 February 1847 and the *United States Serial Set*, House Report No. 732, "Graduation, reduction, and disposition of the public lands.").

deliberations: imperial expansion, sectional realignment, and finally existential stalemate. When the railroad was understood as benefiting the union as a whole as a project of imperial expansion, the project received popular and legislative support from throughout the union. However, when the question of the specific route of the railroad was taken up, the sectional implications of the Pacific railroad became clear. Ultimately, the 1862 Pacific Railway Act could only be passed after the outbreak of the Civil War when Southern interests were removed from Congress. This chapter moves through these three phases in detail before concluding by discussing the implications of these findings for understanding how federalism mediates conflicts over land. The fact that stalemate occurred after sectional alignment illustrates that the challenges of federalism did extend beyond moments of territorial expansion to also include questions of territorial development. Geography, not technical or economic concerns over the railroad, produced legislative gridlock. Geography also provided the fix to this stalemate. As in the case of making slavery an issue decided at the state level, debates over the transcontinental railroad were "resolved" by redrawing the geographic boundaries of the decision-making unit.

Consensus On Imperial Expansion

On January 28, 1845, Representative Pratt (D-NY) introduced a memorial (a kind of extended petition) from Asa Whitney, a merchant of that same state who had recently returned from China. Whitney's memorial kicked off what would prove to be a protracted debate over a first transcontinental railroad. The initial period of this debate was characterized by a broad *consensus on imperial expansion.*

Whitney's memorial advanced three interrelated arguments: commercial, moral, and military. Commercially, Whitney argued that a transcontinental railroad would shorten the transport time between the East Coast of the United States and the harbors of China and Japan from one hundred and fifty days to thirty. This would necessarily "[revolutionize]… the entire commerce of the world… [and] each State and every town in our vast federacy would receive its just proportion of influence and benefits." Morally, the United States had a responsibility to extend its "system of free government [which] works so well… its influence must, like a mighty flood, sweep away all other systems." Given the overpopulation of Europe and its increasing concomitant problems, a transcontinental railroad could provide a "great and desirable point of attraction… that will take the poor unfortunates to a land where they will… soon find that their labor and efforts receive a just and sufficient reward [that] will kindle into a flame of ambition that [Americans] shall be enabled to educate them to our… industry, prosperity, and virtue." Militarily, a transcontinental railroad would more securely attach the newly acquired Oregon Territory to the United States, preventing the secession of a territory that promised to become a thriving commercial port and could otherwise threaten secession. Motivated by these considerations, Whitney proposed that Congress grant him a tract of the public lands sixty miles wide extending from the shores of Lake Michigan to the Pacific Ocean. Whitney argued that only such a grant would allow a railroad to be built with due haste through otherwise uninhabited lands. In return, Whitney proposed operating the railroad on a not-for-profit basis, charging only the lowest possible tolls for its upkeep. Doing so would mean operating the railroad at a loss for the first few years, although Whitney argued the railroad would soon be able to "make a handsome distribution for public education."[97]

Tellingly, the first impact Whitney's memorial made on Congress was via the question of Oregon. At the time, the United States and Great Britain jointly occupied territory in the area that now constitutes the states of Oregon, Washington, and Idaho. Growing tensions had precipitated into active negotiations over the future of the region. When first introducing Whitney's memorial, Pratt reminded the House that the Oregon question rendered "*now…* emphatically the time for considering most seriously… an important project of this character." In the days following, Representatives Hamlin (D-ME) and Douglas (D-IL) would both express support for a railroad to Oregon on the account of securing the United States' claim over the territory, with Hamlin promising he was prepared to "lay down bars of iron… dug from Pennsylvania" to unite Oregon to the rest of the union such that "that country would be better able to enjoy all the advantages of our blessed institutions."[98] In the next Congress, Representative Cummins (D-NC) argued that after the transcontinental railroad was built Oregon would become the "master-key of the commerce of the universe" and Senator Breese (D-IL) said a transcontinental rail would make Oregon the "only vent westward for the vast surplus of the rich lands of the Mississippi basin to the shores of Asia."[99] Accordingly, for the first two Congresses after Whitney's plan was introduced, the 28th (1843-1845) and 29th (1845-1847) Congresses, the first transcontinental railroad was referred to as the "Oregon Railroad." The railroad only later took on the more well recognized name of "Pacific Railroad" after the end of the Mexican-American War in 1848 and the acquisition of California, after which California replaced Oregon as primary western terminus of a transcontinental railroad.[100]

Whitney's memorial immediately garnered widespread interest, enthusiasm, and—despite its wildly ambitious nature—considerable support. In the 29th Congress, supportive petitions first rushed in from private citizens. The bulk came from New York (8), Pennsylvania (8), and Ohio (6), although citizens from Illinois (2), Indiana (2), Missouri (1) Iowa (1), and Connecticut (1) also contributed. By the end of the 29th Congress, the first petition from a state legislature (Indiana) had come in. In the 30th Congress (1847-1849), another fourteen would arrive with Senator Foote (D-MS) reporting that nineteen of twenty state legislatures in total had favorably considered the memorial.[101] Support was practically unanimous.

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97 "Memorial of Asa Whitney, of the City of New York, praying a grant of land, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean. January 28, 1845," *United States Congressional Serial Set*, 28th Congress, 2nd Session, Senate Document 69.

98 House of Representatives, *Congressional Globe,* 28th Congress, 30 January 1845.

99 House of Representatives, *Congressional Globe,* 29th Congress, 7 February 1846; Senate, *Congressional Globe,* 29th Congress, 24 February 1846.

100 See, for example, Senator Niles' (D-CT) remarks on January 29 1849 or Representative Sawyer's (D-OH) remarks on 27 February 1849 (*Congressional Globe,* 30th Congress).

101 Senate, *Congressional Globe,* 30th Congress, 29 January 1849.

The most vocal critic in this early period was Senator Thomas Hart Benton (D-MO). When a bill based on Whitney's memorial was reported out of the Committee on Public Lands on July 31, 1846, amidst cries to read the bill, Benton interjected to try to get the bill laid on the table. Benton rejected the proposal out of hand due to both its technical ambition and for requesting such a large grant of land for a private individual. His resolution to throw the memorial out without a reading was soundly defeated.[102] Popular support for a transcontinental railroad continued to pour in. Although not all of these petitions supported Whitney's plan exactly (some petitions from private citizens in fact were proposals for alternative schemes), the broad support for a transcontinental railroad was clear.

Notably, the transcontinental railroad found some of its most vigorous early supporters in the South, albeit primarily from the western corners of that section. One such supporter was Democratic Senator Henry S. Foote from Mississippi. Foote was the most vigorous advocate for a transcontinental railroad after Senator John N. Miles of Connecticut introduced a Pacific railroad bill in the 30th Congress. After Senator Borland (D-AR) tried to immediately prevent the bill from being taken up in favor of instead requiring an extensive survey, Foote intervened with an impassioned and lengthy speech about process, fairness, and the demonstrated popularity of the railroad. This was all despite not supporting Niles' bill in its particulars, which was a faithful reproduction of Whitney's. Instead, Foote put forth an amendment to alter the route of the railroad such that it would terminate near San Francisco or Monterey, California instead of Oregon. Despite hailing from one of the southernmost states, Foote advocated for what would be recognized as the central route of the Pacific Railroad—a route that never directly served his section of the country.[103] Although in the previous Congress the majority of petitions in favor of the railroad had largely originated in the Northeast, the fifteen state legislatures that submitted petitions in the 30th Congress in favor of a railroad spanned both free and slave states, including Maryland, Tennessee, Arkansas, and Kentucky. At least in this first stage of debate over the Pacific Railroad, there was widespread support for the railroad.

This early period of debate demonstrates the broad support that a transcontinental railroad enjoyed when it was first proposed. At first blush, the railroad was understood as a means of securing American empire that would benefit all. Supporters advocated for the railroad on the basis of the federal union as a whole, which was understood as a single entity expanding its influence across the continent and beyond. The primary objections to the railroad were on practical grounds, not sectional ones. This would soon change with the emergence of place-based interests, as legislators began to consider how the transcontinental railroad would benefit or harm their particular standing in the federal union and the sectional realignment that would follow.

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102 Senate, *Congressional Globe,* 29th Congress, 31 July 1846; Senate, *Congressional Globe,* 30th Congress, 29 July 1848.

103 Senate, *Congressional Globe,* 30th Congress, 29 January 1849.

Sectional Realignment

From 1845 until 1850, enthusiasm for a first transcontinental railroad was high and approval seemed imminent. However, in the period between 1850 and the Pacific Railway Act's passage in 1862, legislators were only able to authorize appropriations for Western surveys and ever larger sums to print wider circulations of those surveys for a clamoring public.

Initial criticisms for the Whitney plan echoed Borland's. They largely hinged on the practicability of Whitney's plan and the unprecedented amount of land that would be effectively granted to a private individual. These criticisms morphed into sectional conflicts as legislators from various corners of the country discovered their stake in the Pacific Railroad. At first, this conflict was aligned along an east-west axis and between the "old" and "new" public lands states that had been created from the national domain west of the original thirteen states. Eventually, as tensions between free and slave states mounted on the eve of the Civil War, sectional conflict took on a north-south axis.

An early hint of the conflict that would evolve between old and new public lands states was Breese's (D-IL) attempt to downplay the amount of public lands that Whitney's plan requested. When Breese first introduced Whitney's memorial to the 29th Congress, he argued that the 92 million acres the Whitney plan requested "should not excite surprise" considering the "vast quantity of public lands at [the United States'] disposal—about 300 millions of acres, and almost as much more subject to pre-emption claims."[104] Other legislators were not so sanguine about granting these lands. The problem wasn't the sheer size of this grant, although that did raise eyebrows, but rather whether granting this amount of lands to a private individual was fair when the fate of the public domain was very much under contestation.

This concern opened the first major speech lobbed against Whitney's railroad. Representative Bowlin (D-MO) delivered a speech to the 31st Congress (1849-1851) on March 19, 1850, accusing the federal government of withholding the public domain from the new Western states, such as Missouri, when they needed it the most to build internal improvements in sparsely settled lands that otherwise could not support such projects. He objected that when the federal government did grant public lands, it was in alternate sections with the price of the reserved sections doubled, effectively eliminating any financial benefit to residents who ended up paying the same overall amount for the public lands within their states. Bowlin cried hypocrisy at the government's enthusiasm for instead granting such a large tract of land to Asa Whitney.

Bowlin lodged these complaints in the midst of growing discontent over the fate of the public lands, especially as they related to railroad grants. Public land grants to railroads within Illinois, Missouri, Florida, Wisconsin, Michigan, Tennessee, Mississippi, Arkansas, and Alabama had recently been debated within Congress and legislators were becoming wary. The fault lines of these debates ran along an east-west axis between the original states and the new public lands

[104] Senate, *Congressional Globe,* 29th Congress, 24 February 1848.

states. The original thirteen states retained control of the lands within their borders where title had not been transferred to private individuals. In new public lands states, those lands were under the control of the federal government. Legislators from the old states were worried that the federal government was being too liberal with land grants, and as a result undercutting the revenue potential of selling the public lands while pledging away lands that should have gone to military bounties for veterans, who by and large hailed from older, more established states. Senators from new states advocated for the federal government to devolve public lands within their borders to state control or, barring that, for the federal government to support railroads and land policies that could hasten westward emigration and development. These concerns were expressed in debates for and against specific policies and, as the remarks of Representative Bowlin from Missouri illustrate, produced a mix of positions that did not always map neatly onto an East-West divide. These concerns were also expressed in the language of constitutionality: did the federal government have the constitutional right to control the public lands—lands that were supposed to be held in trust for the people of the United States? Did the federal government have a right to construct internal improvements like railroads? After all, these were not rights enumerated in the Constitution.

These debates over railroads and the public lands came to a head during a protracted debate in the 32nd Congress (1851-1853) over whether to grant lands for railroad purposes in Iowa.[105] Those debates solidified certain precedents about the disposal of public lands for railroad purposes, such as the use of alternative sections only on six miles of either side of the track, that would be reflected in the Pacific Railway Act. However, debate over the Pacific Railroad had simultaneously begun to pivot on a different matter than the public lands: the route.

By the 33rd Congress (1853-1855), the constitutionality of federal support for a transcontinental railroad via public land grants had been largely established by the proceedings of the 32nd Congress. It seemed that Congress was finally going to authorize a transcontinental railroad, and in the 33rd Congress debate over the Pacific Railroad became more detailed, extended, and realistic than ever before. However, it had become clear that the route of the railroad was a sticking point. It was not the western terminus of the railroad that was contentious. Legislators largely agreed that San Francisco should be railroad's western end. However, legislators could not agree on an eastern terminus.

As chairman on the Senate Select Committee on the Pacific Railroad, Senator Gwin (D-CA) made it clear that the bill proposed by the committee was designed to not favor any state along the Mississippi with a designated eastern terminus.[106] However, it was also clear that Gwin favored some routes over others, and in particular did not want to build the southernmost route of the three main options contemplated.[107] Representative Boyce and Senator Butler, both

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[105] See Senate, *Congressional Globe,* 33rd Congress, 16 through 23 March 1852

[106] Senate, *Congressional Globe,* 33rd Congress, 10 April 1854.

[107] Senate, *Congressional Globe,* 33rd Congress, 19 February 1855.

Democrats from South Carolina, were particularly loud advocates for *only* the southern route, on account of it being the shortest. This proposed southern route would run from Mississippi to Albuquerque to San Diego, through land then under negotiation as what would become the Gadsden Purchase, and then connect northwards to San Francisco.[108] When Representative Stanton (D-KY) proposed printing ten thousand copies of the Western surveys for Pacific Railroad routes (an effective way to drum up and stoke popular interest in the railroad), Representative Cobb (D-AL) forcibly interjected to ask whether the southern route would be included. As a compromise, the bill was amended to provide support for *three* trunk lines, to be authorized and built simultaneously. While many senators voiced their objections to the technical challenges, cost, and excessiveness of building three railroads, it was recognized that multiple routes would be needed to appease senators from each section of the country. As Senator Seward (W-NY) noted, the choice was not between three Pacific railroads or one, but rather three or none.[109]

Indeed, on February 19, 1855, the same night of Seward's remarks, the Senate did vote to narrowly pass a Pacific Railroad bill, 24 in favor and 21 against. A vote four days before to gauge support for the bill suggested such an outcome would be likely. Analysis of the roll call votes for both reveals the familiar division between old and new states, with new states disproportionately favoring the bill while old states rejected it. However, it also reveals a pattern of contention that was not clear from the senator's remarks alone: senators from slave states were stronger opponents of the railroad bill than those from free states, making up half of the votes against the bill as opposed to 36% in favor. This pattern was even more pronounced in the final vote that passed the bill, with slave states constituting 62% of the votes against.

Although the Senate was able to pass a Pacific Railroad bill, no such bill had been able to make it out of the House. Like the Senate, the House was narrowly divided on the question of the Pacific Railroad. On January 22, 1855, the House capped off almost two weeks of intense debates with a whirlwind session involving ten roll call votes of more than two hundred Representatives, with Representatives jostling to get the exact configuration of votes to either pass the bill or consign it to committee purgatory. At one point, when some crucial nay votes had wandered out of the chamber, bill proponents even managed to briefly pass the bill before cries to reconsider the vote killed their victory. Ultimately, the bill was sent back to committee with 105 yeas and 91 nays. Tellingly, according to the breakdown of this final vote, half of the representatives fighting to kill the bill were from slave states compared to 27% of those voting to

[108] See House, *Congressional Globe,* 33rd Congress, 27 June 1854; and Senate, *Congressional Globe,* 33rd Congress, 19 February 1855.

[109] Senate, *Congressional Globe,* 33rd Congress, 19 February 1855.

keep the bill alive.[110] When the Senate passed a Pacific Railroad bill a little less than a month later, the House refused to take up the bill for consideration.[111]

Existential Stalemate

The 33rd Congress would prove to be a high water mark in the debates over a Pacific Railroad. Never again until after the outbreak of the Civil War would a Pacific Railroad bill come as close to passing as it did in that Congress. As the division between slave and free states in the 33rd Congress illustrates, and as debates from the 33rd through 36th Congresses confirm, the principle dividing the two sides of the issue was no longer the question of the public lands. Instead, it was the sectional division between free and slave states.

Practically, this distinction hinged on the Pacific Railroad's route. Given that, at the time of the 33rd Congress, surveys for all three proposed routes had not yet been completed and the Gadsden Purchase had not yet been signed, the delay of the 33rd Congress was sensible. Both of these barriers would be resolved by the 35th (1857-1859) Congress. Yet it was not until the 37th Congress (1861-1863), after the outbreak of the Civil War and the removal of slave states from Congress, that the Pacific Railway bill was passed.

The debates of the 33rd Congress illustrate exactly how the Pacific Railroad was understood as a sectional issue. On May 31, 1854, Representative Perkins, Jr. (D-LA) gave an impassioned speech defending the South against allegations five Northern representatives had printed in the *National Intelligencer* (the Democratic Party newspaper) that morning. The Northern representatives alleged that the recently passed Kansas-Nebraska Act was "the first of a series of measures, long premeditated and deliberately pursued, having for their object the formation of a great sectional or southern party." This "series of measures" included paying an "extravagant sum" to make the Gadsden Purchase and "to supply additional resources to the slave States." The Gadsden Purchase was considered important precisely because it would secure a southern route for the Pacific Railroad. Perkins rose to defend the South, arguing that he knew of no such grand conspiracy of Southern aggrandizement. Instead, Perkins argued that it was the North that was working to "weaken [the Constitution's] guarantees" and diminish the South. No wonder, then, according to Perkins' account, that the South lacked the industry and arts that the North so touted: "Say not, then, how pale the South is. She has shed her blood for you. Say not how poor she is. For you she has given without counting […] whilst all of sacrifice that could be piled up out of you would reach no higher than a child's knee."[112]

Within this context, Perkins said he recognized the Pacific Railroad as among "three of the most practically important, and most national measures that can… engage the attention of American statesmen." He saw that a transcontinental railroad was essential for securing the

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[110] House of Representatives, *Congressional Globe,* 33rd Congress, 22 January 1855.

[111] House of Representatives, *Congressional Globe,* 33rd Congress, 20 February 1855; 23 February 1855; 1 March 1855.

[112] House of Representatives, *Congressional Globe,* 33rd Congress, 31 May 1854.

Constitution, which “requires now to be sustained by the development of her material resources.” But he also felt that if the South was united against the Pacific Railroad, it would be because the federal government had grown too large and acted too hypocritically in promoting international improvements and granting public lands to other portions of the Union.

Perkins’ speech illustrates the sectional tensions of the time. Northerners felt that they were on the verge of a Southern conspiracy. Southerners felt that they were being drained bloodless and pushed into nonexistence. The Pacific Railroad felt like one more chip in this existential battle.

Although Northern fears were overblown, the South was right to fear that any Pacific railroad would alter the balance of power in the nation and thereby threaten the existence of Southern slavery. New York City was currently the largest port at the time, an advantage that was likely to be magnified by a transcontinental railroad along any route given the denser network of railroads in the North than the South. Railroad finance also largely operated through Northeastern institutions. Finally, to the extent that a transcontinental railroad was understood to be a major stimulant for Western settlement, and to the extent that its construction would attract many immigrant and landless laborers, a transcontinental railroad was more likely to plant the seeds of free soil than to create more slave states.

In subsequent Congresses, debate over the Pacific Railroad was not able to move past this stalemate. By the 36th Congress (1859-1861), the Homestead Act, which had also been vigorously debated since 1852 (Potter and Wynell 1997), had joined the Pacific Railroad as another land-related bill locked in an existential stalement. By granting Western lands in small parcels to settlers willing to live on and improve those lands, the Homestead Act decisively favored anti-slavery free soilers. Senator Pugh (D-OH) lamented that debate of large bills such as the Pacific Railroad and Homestead bills was bogging down Senate business and being used to discuss ancillary issues like slavery. In light of this sectional conflict, other senators such as Senator Baker (R-OR) of Oregon urged the passing of a Pacific Railroad bill as a symbol of unity and compromise, and as a panacea for looming secession.[113]

It would not be until the 37th Congress, when all the staunchest pro-slavery legislators had removed themselves from office, that a Pacific Railroad bill could be passed. When the 1862 Pacific Railway Act was finally signed into law on July 17, 1862, it was after lengthy but eminently practical debate. With Southern interests removed, the House bill left the exact eastern terminus of the Pacific railroad up to the expert engineers who would ultimately design the route. Senate deliberations resulted in the final bill fixing the eastern terminus at the mouth of the Kansas River, such as to make easy connection with the several railroads there already. Although debate had extended that entire calendar year, the quantity of debate reflected the complexity and scale of the project being undertaken. Whereas during sectional existential statement, years could

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[113] Senate, *Congressional Globe,* 36th Congress, 5 January 1861. See also, for example, remarks from Latham (D-CA) and Baker (R-OR).

pass without deciding on a route for the railroad, with Southern interests absent fixing a route was simply the matter of a third of a day's work, with time remaining to address other questions.

DISCUSSION AND CONCLUSION

The Civil War may have resolved the question of slavery, but it did not resolve the challenges of federalism. While empire could incorporate new territories without altering the political balance of power in the core, federalism raised the stakes of territorial expansion wherein the incorporation of each new political subunit could threaten to destabilize power in the center. By the mid-nineteenth century, this limitation of federalism for territorial expansion was clear. These legislative debates over the first transcontinental railroad illustrate how federalism also complicated questions of territorial development.

These legislative debates illustrate that for federalism to produce legislative gridlock over territorial development, (1) legislators needed to become aware of the geographic implications of the policy under question, and (2) there needed to be a larger context of conflict that sufficiently raised the stakes of compromise such as to make compromise unacceptable. A final, third condition necessary but not sufficient for legislative gridlock would be the existence of evenly balanced interests such that one side could not unilaterally push legislation through Congress. As this analysis illustrates, consensus on imperial expansion gave way to existential stalemate only after the sectional implications of the railroad became clear.

These observations raise the question of whether the legislative gridlock over the transcontinental railroad can be explained as a consequence of the broader conflict over slavery. Perhaps legislators' ability to compromise and successfully pass legislation broke down in the run-up to the Civil War? Stephen Ansolabehere, Maxwell Palmer, and Benjamin Schneer's (2018) study of the effect of divided government on the passage of significant legislation suggest otherwise. According to their count, the number of pieces of significant legislation passed from the 28th through the 35th Congress actually increased slightly.

Of course, slavery did play a large role in the gridlock over the transcontinental railroad. Slavery heightened the stakes of conflict, thereby raising the costs of compromise. However, it is significant that Congress was able to pass compromise measures over the status of slavery in the territories up until the outbreak of the Civil War, but could not pass a transcontinental railroad or homestead act. The Kansas-Nebraska Act kicked the question of slavery back to the states on the principle of popular sovereignty. It was a compromise won on the bet by both sections that they could outcompete or at least match the other migrating west. Unlike this competition-preserving compromise, a transcontinental or homestead act promised to give one side an enduring advantage in the fight over land, and therefore—in the United States' federal system—political power.

The fact that these acts would have given one side an enduring advantage also helps explain why the normal strategy of universalism for passing distributive policy—in this case, simultaneously approving all three routes—did not succeed (Shepsle and Weingast 1981;

Weingast 1979; see also Ferejohn 1974). When the benefits of a policy are experienced locally but the costs are borne generally, legislators tend to form "universal" coalitions to pass omnibus bills which contain projects with local benefits for every legislator within the coalition that wants one. In debating the choice of routes, legislators realized that a project the scale of the transcontinental railroad would not actually be fully distributive in the sense that "the benefits accruing to one area [could] be varied without affecting the benefits received by other areas" (Weingast 1979: 246). Policies with outsize implications for the future geographic distribution of population and economic activity, such as the transcontinental railroad and the homestead act, were not only questions of securing benefits for local constituents, they were also questions about the future distribution of political power.

The stakes always did not have to be *as* high as the future of slavery to produce gridlock, as the cases of the Erie and Ohio state canals demonstrate. Just as significantly, the fact that legislative gridlock in the case of the transcontinental railroad only developed over time as legislators discovered its sectional implications suggests that the way an issue is conceptualized —just as much as any of its intrinsic features—determines whether the issue represents too large an advantage to compromise over. When the railroad was understood as a national project that benefited the whole union through imperial expansion, the railroad enjoyed support throughout the union. In this period, what legislators fought over were questions of fine-tuning the distribution of costs and benefits of the railroad via land policy—not the railroad itself. However, once the question of routes was seriously considered, the sectional implications of the railroad became clear and the imagined community of railroad beneficiaries transformed from the nation as a whole to slavery versus anti-slavery interests. These dynamics illustrate the importance of how the boundaries of the "collective" interest are drawn.

These boundary struggles become doubly important when, in a federal context, they are struggles over geographic boundaries that can be articulated to the federal division of powers. From this perspective, the debates over the transcontinental railroad can be conceptualized as another series of scalar fixes *à la* the "solution" of restricting the question of slavery to the states. The first scalar fix was the unintentional sidestepping of sectional conflict by conceptualizing the benefits of the railroad through a national lens. Aggregate, national benefits were assumed to outweigh localized costs. This assumption broke down once the particulars of building a transcontinental railroad began to be discussed. The second, also failed scalar fix was the attempt to build a universal coalition by simultaneously approving three routes. This strategy relied on legislators being narrowly focused on the immediate benefits of a railroad for their specific local constituents, instead of thinking of the longer-term implications of the railroad for sectional conflict. The final, “successful” scalar fix was excluding Southern interests altogether by restricting the decision-making units to only those from the North.[114]

Federalism emerged in part as an attempt to reconcile republican principles of popular sovereignty with imperial ambitions of aggrandizement. However, federalism did not prove adept at ruling across difference or constructing compromises across different geographically based interests. While under empire one solution would be for a minority to rule by fiat, the nested and geographically defined nature of sovereignty under federalism produced tensions between different geographically based interests. The same structures of federalism allowed these conflicts to be side stepped through scalar fixes but not resolved. Federalism is not an institutional form that particularly incentivizes engagement or compromise between different geographically based groups.

Scalar fixes were ultimately strategies of exclusion that rely on redrawing the boundaries of the collective to strategically include or exclude various interests. And, of course, in the context of the debates examined here, they occurred in a broader context where the interests of Native Americans and enslaved African Americans were not considered at all. These exclusionary strategies were not only deficiencies of a racially foreshortened national community, but also the result of the institutional structure of federalism itself. Constructing political institutions that better mediate decision-making over land, accommodate social difference, and foster accountability and sustainable compromise will require addressing these institutional features head-on.

[114] Today, the primary geographic divisions are no longer between slave and free states, or Northeastern industrial interests versus a Southern and Western rural periphery (Bensel 1984). Instead, the nation’s technology hubs, global cities, and their surrounding suburbs may be more politically and economically aligned than those of the rest of the nation, urban and rural alike. This new, geographically fragmented “sectional” alignment does not align well with existing political jurisdictions. Yet, given that territorial basis of political representation remains, this new geography is poised to interact with American political institutions in transformative, if not yet fully realized (Hacker, Pierson, and Zacher 2023) or determined, ways. The case of the transcontinental railroad illustrates how foregrounding the geographic implications of a policy can reshape how legislators understand its ultimate winners and losers. Analyzing the implications of policy for the fortunes of places (and, by extension, the people and the interests of the people who live in those places) can be a powerful, cross-cutting tool for coalition building and new political alignments. The territorial basis of political representation in the United States makes geography an unignorable dimension of political life.

Conclusion

"... the debts contracted to government for the payment of our lands are almost incalculable; and for their payment, the depreciated currency of our country cannot be taken. Of other money we have none;—and the industrious farmer, the enterprising emigrant is reduced to the necessity of seeing his land, and with it the improvement which years of hardy exertion have effected, revert to the general government."

— Petition from "Inhabitants of the state of Ohio," 1819[115]

In winter of 1819 through early 1820, a petition was circulated throughout western Ohio. Typeset and printed as a generously sized broadside, copies of this petition would amass more than 440 signatures and thereby represent a particularly organized and popular effort for Ohio residents to speak directly to their elected representatives in Washington, D.C.[116]

In this petition, the inhabitants of Ohio made their plea: "Your petitioners, inhabitants of the state of Ohio, would lay before your honorable body a statement of the embarrassments to which we are subjected." What followed was a tale of speculation, loose money, and looming debt for public lands purchased on credit.

The War of 1812 had generated an immense demand for the surplus products of the former Northwest Territory. Settlers flooded west, purchasing lands on credit from the federal

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[115] Petitions: Committee on Roads and Canals, HR16A-G19.4 to HR16A-G20.2, Records of the House of Representatives, Record Group 233, National Archives at Washington, D.C.

[116] Ibid.

government. Local banks had printed money freely in the face of this bounty, creating liquidity and facilitating a booming economy. After the end of the war, "the farmer found his produce unsaleable; the banker, his credit in the Atlantic states without a support." Emigrants, whose second payments for the lands they so recently purchased were coming due, were being forced to pay their debts to the Treasury with money at par in the Eastern cities, thereby rapidly draining and depreciating the local circulating currencies.

To resolve this problem, the petitioners did not ask for the right to pay their debts in their local currency. They understood that if they did so, "the accumulation of the land office debts against our local banks without any counterbalancing credits would compel them to discontinue their issues, and thus deprive us of the only currency remaining among us, which, notwithstanding its depreciated value, still affords the convenience of a medium for the common dealings of society." Recognizing that they needed to correct the balance of payments and "secure a reciprocity" in their commercial transactions lest their local economy grind to a halt, petitioners did not plea for debt relief. Instead, they pled for federal investments in internal improvements.

These petitioners requested improvements that could connect Ohio to New York. At that time, the only outlet for Ohio's surplus productions was downriver to New Orleans, which provided inferior access to the global market and carried with it the constant risks of tropical weather and spoilage. The petitioners requested a continuation of the National Road from its current terminus in Wheeling, Ohio, to St. Louis, and a canal that would connect the Ohio River to Lake Erie. This canal was requested in anticipation of the completion of the Erie Canal, which was then under construction. If the Ohio canal were built, then western producers would have easy water access to the port at New York City via first Lake Erie then the Erie Canal and Hudson River. In addition to these internal improvements, petitioners requested an extension of the repayment period for purchasers of the public lands.

The petitioners urged the federal government to grant their plea by increasing the amount of funds earmarked from the sale of public lands within Ohio for internal improvements. They argued that the currently appropriated three percent stipulated in Ohio's statehood bill was insufficient for the scale of improvements they had in mind. The petitioners promised that these improvements "would enhance the value of government lands to an amount certainly equal, and probably greatly superior to the expenses attendant upon its creation." The petitioners praised the bountifulness of the local soil and its suitability for improvement, while also arguing that "the embryo germ of national prosperity, demands the fostering hand of legislative culture."

This dissertation has moved through a series of studies analyzing the United States as a settlers' republic. These studies have demonstrated how land, and the political economy that developed around land, can be understood as forming a through line of early American state formation.

In the first study, this dissertation constructed and analyzed a novel dataset characterizing antebellum Congressional activity to find that 57% of early Congressional activity was concerned with the tasks of acquiring, defending, and transforming land. I theorized this finding by conceptualizing the United States as an empire in transition. Looking beyond Weber to restore empire expands how scholars understand modern state formation beyond the evolution of administration institutions, to also consider how the modern state represents new relationships between government, land, and people. While empire is characterized by territorially fragmented rule by difference, modern nation-states are characterized by the ideal of a socially homogenous nation ruling over a geographically well defined, territorially contiguous state. As an empire in transition, in the United States imperial norms collided with republican principles of popular sovereignty to create settler colonial practices of territorial incorporation that reconfigured relationships between government, people, and territory in ways more akin to modern nation-states than empires past.

In the second study, I examined the origins of government promotion of infrastructure in the United States. Through an in-depth analysis of the budget politics behind early infrastructure projects from the nation's founding through the Erie Canal, I demonstrated how infrastructure promoters repeatedly called on the public lands as a politically light resource that could reduce the perceived costs of government action by taking the full costs and contingencies of acquiring the public lands for granted. The public lands allowed infrastructure promoters to project visions of unlimited western growth as a way to justify their projects and attract foreign capital, and minimized or avoided entirely the need to for increased taxation. This vision, however, institutionalized assumptions of Indigenous dispossession and erasure in the expanding American state and the fiscal calculus of the developmental modern state more generally. Therefore, while today it is taken for granted that government should promote infrastructure projects such as roads, canals, and railways as a means of stimulating what is now called economic development, revealing the assumptions behind the origins of this governmental rationality makes visible the boundaries of who benefits and who pays for "development," and identifies budgets as sites where such questions are both explicitly and implicitly negotiated.

In the third study, I analyzed the legislative debates over the first transcontinental railroad to observe how federalism mediated conflict over land. I theorized federalism as the outgrowth of empire. Whereas under empire there was a plurality of sources of sovereignty among which the king was supreme, federalism restricted the source of legitimate sovereignty to a single location—the people—who delegate their sovereignty to first state and then the federal government. By territorializing sovereignty in this way, federalism complicated territorial expansion and development by making it such that the addition of new states or the uneven development of existing states would change the balance of power in the federal union as a whole. In the antebellum period, this resulted in the series of increasingly fraught compromises over the admission of new states and legislative gridlock over the first transcontinental railroad. Analyzing the debates over the first transcontinental railroad reveals that this legislative gridlock only developed after the sectional implications of the railroad became clear. Ultimately, the railroad could only be passed after the outbreak of the Civil War and the secession of sufficient Southern legislators from Congress. This analysis demonstrates the limitations of federalist systems like the United States' to make decisions over land. When faced with competing place-based interests, federalism allowed legislators to "resolve" conflicts by changing the geographic boundaries of the decision-making unit. This was effectively a strategy of excluding dissent. Fostering the ability to govern across differences will require confronting this dynamic head on.

These three studies analyze the United States as a settlers' republic from a variety of angles. They provide a fragmentary view of the early American state, moving in turn from the birds-eye view of aggregate Congressional activity to the on-the-ground minutiae of how government support for infrastructure promotion were financed and debated.

In this final chapter, I outline the settler political economy that produced these glimpses by tracing the evolution of land policy in the antebellum period. Land policy structured the conditions through which settlers and government related to the United States' vast lands. Significantly, as the petition above illustrates, land policy was also the shared object around which settlers and government negotiated. In these negotiations, it is possible to observe how the concrete experiences and worldviews of various actors produced land policy, and vice versa. The petition above also reveals the intimate interplay between the land sale and settlement and the emergence of government promotion of infrastructure. It was through petitions such as this and the policy and administrative changes they catalyzed that the relationships between what we now conceptualize as the separate domains of state, society, and economy were reconfigured and new modes of governmental reason were developed. In negotiating over land, settlers related to their government as something separate from themselves, while legislators, administrators, and engineers learned how to see like a state.

Land for Revenue, Land for Settlers

When this petition reached the halls of Congress in 1820, it was after more than thirty years of federal land policy.[117] Until the Homestead Act of 1862, land policy vacillated between two somewhat competing goals: that of using the public lands to generate federal revenue, and

[117] This and the following sections draw extensively from the excellent surveys of the land policy from Malcolm Rohrbough (1968) and Paul Gates (1968). Gregory Ablavsky (2021) and Michael Blaakman (2023) also provide excellent studies of the land office business in the earliest periods.

that of disposing the public lands to encourage settlement.[118] The development of land policy in the United States represents the evolving balance between the two (Table 6.1).

This vacillation between land for revenue and land for settlers was visible from the United States' first land policy, the Ordinance of 1785. Prior to the Ordinance of 1785, each state had disposed of its public domain on slightly different terms, with Southern states favoring a system of offering warrants for purchasers to acquire unsurveyed land that they would locate and subsequently register themselves, and Northern states tending to survey lands before sale. The Ordinance of 1785 established and required that all lands be surveyed by the rectangular survey system before sale. It set the minimum price of the public lands at $1 per acre and sold the land at public auctions run by the loan officers of the several states in minimum increments of 640 acres. Purchasers were required to pay in specie or land office certificates in full upfront, or otherwise forfeit their lands (Rohrbough 1968).

In designing the Ordinance in this way, legislators creating a system for the orderly and comprehensive disposal of the public lands in a way intended to maximize revenue from land sales. The rectangular survey system would bring every acre to market by preventing purchasers from carving out the choicest lands from the public domain, and well publicized public auctions were held with the rationale that competition for choice tracts could increase the revenue derived from land sales. However, when the returns of the first auctions after the Ordinance of 1785 proved disappointing the federal government experimented with selling unsurveyed lands in large quantities directly to land companies. This created a speculative land mania, but generated

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[118] The latter goal of using land to stimulate settlement should be understood as an inheritance of colonial America, where land policies such as the Virginia headright system were developed to induce settlement. The Virginia headright system is an illustrative example of how deeply land policy was intertwined with the political, economic, and ideological development of the United States.

Briefly, in an effort to improve the supply of labor for Virginia's budding plantation economy, the headright system established in 1617 provided 50 acres of land for each person who financed a migrant's journey across the Atlantic. This system did not differentiate between white and Black laborers, and sponsors used headright system to claim land in the name of both. The first major claim of headrights for Black labor came from George Menefie in 1638, who acquired a patent for 30,000 acres of land including 60 headrights, 23 of which were for "the Negroes I brought out of England with me" (Kamoie 1994: 18). The number of headrights claimed for Black arrivants increased throughout the seventeenth century as racial slavery replaced indentured servitude as the primary form of unfree labor in colonial America (Kamoie 1994). In this sense, the headright system can be understood as another way through which early Americans profited through slavery. Edmund Morgan (1972a, 1972b) has drawn a more direct relationship between the headright system and both the development of slavery and the origins of American revolution. Because headrights were assigned to the people who sponsored migrants' passage—not migrants themselves—and because headright certificates could be freely traded once registered, the headright system facilitated the accumulation of vast lands by a handful of landowners. Some of these landowners developed the lands themselves; others profited from speculative landholding by selling them to migrants after their period of servitude ended. Morgan argues that former indentured servants' stymied hopes for landownership in the face of a dwindling supply of affordable, desirable land—and with it, the hopes of economic independence promised to them as an inducement for migrating—led to both Bacon's Rebellion and the hardening of racial lines as a way to make servitude for Blacks permanent, and therefore reduce competition for land.

little in revenue for the federal government and was soon abandoned (Rohrbough 1968; see also Blaakman 2023).

In addition to addressing the revenue needs of government, the minutiae of land policy was a terrain of struggle upon which the balance of large and small purchasers, speculators and actual settlers, and Eastern and Western interests were fought. Government provided the institutions that mediated this struggle, while keeping its own interests of revenue maximization in mind. For example, in the early period before the establishment of the first district land offices at Cincinnati, Chillicothe, Marietta, and Steubenville in 1800, it was not clear where public auctions would be held. Auctions in New York, Philadelphia, and Washington, D.C. favored sales to speculators looking to buy and sell lands for a quick profit who never intended to head west, while sales on the frontier favored actual settlers. The gradual liberalization of sales on credit from the Ordinance of 1785 (which required payment in full at time of purchase) until the re-establishment of cash sales in 1820 was driven by both a desire to make land accessible to purchasers with limited means, and a desire to increase the number of purchasers of land and thereby improve overall revenue. The same rationale drove the gradual shrinking of the minimum purchase size from 640 acres in 1785 to 80 acres in 1820 and a reduction in the minimum price of lands from $2 per acre to $1.25 per acre. The decision to restrict land payments to specie or certificates reduced to specie value ensured that revenues from land sales—provided they could actually be collected—guaranteed a stream of revenue with stable valuation that could be used to secure the public credit in the eyes of international lenders, while shifting the risks of fluctuating paper currencies onto purchasers.

Land policies evolved in response to the steady barrage of petitions and memorials flooding Congress and, just as significantly, the movement of settlers on the ground. Settlers regularly migrated west ahead of federal surveyors, taking on the risks of uncertain title and frontier life in exchange for the possibility of securing land of their own (see Rohrbough 1968: 200-220). Early attempts to evict squatters demonstrated the impossibility of holding back the wave of settlers. In 1785, after the end of the Revolutionary War, and in an attempt to restore peace on the frontier with its Native neighbors, Congress agreed as part of the Treaty of Fort McIntosh to remove trespassers on Indian lands north of the Ohio River. What followed was a fruitless cycle of military raids, evictions, and re-settlement. Albert Gallatin, future Secretary of the Treasury and architect of the Land Law of 1800 that would provide the basic structure of the General Land Office (GLO), would later attest to knowing "persons whose cabins were burnt and settlements destroyed three times" (quoted in Rohrbough 1968: 16).

From the perspective of government, squatters on the frontier incited costly Indian conflict and made a mockery of federal authority. In the eyes of the American public, these squatters formed the first line of defense against Indian depredations. During the War of 1812, Alexander McNair, land register at St. Louis, warned the GLO Commissioner back in Washington that it would be impossible to raise militia men to remove public land trespassers even if ordered to do so: those trespassers were those who had "borne the storm of the Indian War" (quoted in Rohrbough 1968: 62). In response to these dynamics, Congress repeatedly

Table 1. Evolution of disposal of the public lands

Date	Milestone	Description
1785	Ordinance of 1785	Created system for surveying and selling lands. Lands were divided into rectangular townships of six square miles, which were further subdivided into 640 acre sections. Lands were sold at public auction for a minimum price of $1 per acre in minimum increments of 640 acres, with the 16th section of each township reserved for public education. Payment in specie or land certificates reduced to specie value.
1787	Authorization of sales directly to land companies	Resolution authorizing Board of Treasury to bypass rectangular survey system and sell land directly to land companies in quantities not less than one million acres in one body on same terms as land sold to the Ohio Company of Associates.
1796	Land Law of 1796	Re-established 1785 system under new Constitution and began sales on credit. Raised minimum price to $2 per acre. Purchaser paid an immediate deposit for 1/20th of the purchase price, one half within 30 days, and remainder within one year. Cash purchasers received 10% discount. Lands could be purchased in quantities as large as one quarter section (160 acres) at Washington, D.C. Lands were otherwise sold in 640 acre increments at various towns on the frontier.
1800	Land Law of 1800	Created land districts and district land offices, each with a register and receiver of public monies. Loosened terms of credit to extend payments to four years but charged 6 percent annual interest on unpaid balance while offering an 8% discount if any of the last three payments were received before the due date. Lands not paid within 5 years would be forfeited. Reduced minimum tract purchasable to 320 acres.
1811	Military Bounties	Congress approved additional 6 million acres for military bounty lands in preparation for War of 1812. Lands would not be surveyed until 1814 or fully distributed until 1818.
1812	Establishment of General Land Office	General Land Office (GLO) established as a special bureau of the Treasury Department with an initial annual budget of $7,000. The GLO united functions previously in the Secretary of State (who maintained records of surveys), Secretary of War (under whom the Surveyor General was appointed), and the Secretary, Auditor, and Comptrollers of the Treasury (who prepared and retained records of land patents and received public monies).
1820	End of credit sales	As part of the Panic of 1819, Congress re-established cash sales, reduced the minimum size of tracts to 80 acres, and reduced the minimum price per acre to $1.25.
1821	Relief Act of 1821	Debtors were able to forfeit some lands to complete payment on the remainder, and their repayment period extended for four, six, or eight years. Also provided 37.5% discount (which was the difference between old and new minimum prices) for debtors who completed their payments in cash before Sept 30, 1821.
1823	First public land grant for roads	Granted Ohio a 120-foot-wide right of way and lands on 1 mile either side there of for the construction of a road from the Miami rapids to the Western Reserve. Congress would end up granting 3,359,188 acres for road purposes in the pre-Civil War period.

1827	First use of alternate sections in granting of public lands for internal improvements	Granted Columbus and Sandusky Turnpike Company alternate sections of public lands for a width of two sections on the western side of the road. In later sections the minimum price of the reserved sections would be doubled. This practice of granting alternate sections and doubling the price of the reserved sections could become standard practice for land grants for internal improvement purposes.
1827	First public land grant for canals	Land granted to Indiana in alternate sections for 5 miles on either side of the proposed Wabash and Erie Canal. Congress would end up granting 6,303,749 acres of public lands for canals and river improvements by the Civil War.
1830-1834	General Pre-emption Acts	Granted right to purchase 160 acres at minimum price for settlers who had occupied, cultivated, and improved un-purchased land in 1829. If two settlers claimed occupancy of a single quarter section, then that tract was split in two and each settler was given a the right to purchase a “float” of 80 acres somewhere else in the land district. Limited to surveyed lands. Made permanent in 1841.
1849	Establishment of Department of Interior	Established the Department of Interior as a new Cabinet-level executive agency. Combined various functions from the other departments, chief among which were the General Land Office from the Treasury, Indian Affairs and the Pension Office from the War Department, and the Patent Office from the State Department. Also combined census duties from the judicial branch.
1849-1850	Swamp Lands Acts	Granted almost 65 million acres of “waste” swamp lands directly to the various states for reclamation.
1850	General Military Bounty Act	Granted military bounties ranging from 160 acres to 40 acres based on length of service to all veterans who had served since 1790 and had not otherwise claimed lands. Required 13 million acres to satisfy.
1850	Beginning of land grants for railroads	Chicago and Mobile Act granted Illinois, Mississippi, and Alabama a 100-foot right-of-way together with one half the land in even numbered sections within 6 miles of a proposed line from Dunleith, Illinois to the Gulf. By the mid-twentieth century, Congress would grant more than 318 million acres for railroad purposes.
1854	Graduation Act	Reduced price of non-reserved lands proportional to the amount of time it had been subject to sale. Land that had remained unsold for 10 to 15 years would be priced at $1.00, at 75 cents if unsold for 15-20 years, at 50 cents if unsold for 20-25 years, at 25 cents if unsold for 25-30 years, and at 12 ½ cents if unsold for 30 years. Predated by decades of debate starting in 1828.
1862	Homestead Act	Granted land to any persons who were heads of families or 21 years of age or older, provided they were a citizen or had filed a declaration to become a citizen. Grants were limited to 160 acres of land held at $1.25 per acre or 80 acres held at $2.50 per acre in surveyed portions of the public domain.

* Except where otherwise noted, this table omits special legislation only covering a portion of the public domain or purchasers. For example, this table omits the recurrent acts to extend the credit period from 1806 to 1820. Of this, there were 13 such acts. This table also omits the intermittent acts to provide relief to pre-emptors in specific portions of the public domain starting in 1807 (including acts in 1813, 1814, 1826, 1828), and omits limited military bounty and donation acts such as the Armed Occupation Act of 1842 or the Oregon Donation Act of 1850. Revolutionary War bounties are excluded, as they were granted by the individual states.

Sources: Carlos, Feir, and Redish (2022); Gates (1968); Rohrbough (1968); and Treat (1910).

authorized various military donation acts to both legalize and strategically stimulate settlement on contested frontiers (see also Frymer 2014).

In addition to the various donation acts, preemption also evolved in response to settler movements on the ground. Although the particulars of specific preemption acts differed, preemption was in general a way to recognize settlers' title to the land they resided on. Early preemption acts were used to recognize title held by inhabitants of formerly French and Spanish territories. Petitions such as those from the "Subscribers, Citizens of the State of Louisiana" in 1817 referenced Vattel's *Law of Nations* to argue that it followed the proper conduct of nations for the United States to recognize titles obtained under other sovereignties.[119] Later preemption acts were effectively a means to legalize squatting. Settlers appealed to liberal conceptions of property ownership as rooted in improvement and cultivation of the land to vilify absent speculators and argue that their productive inhabitance of western lands—even absent legal title—entitled them to special privileges. The passage of general preemption laws in the 1830s gave such "actual settlers" the right to purchase public lands at their minimum price. The same logic would underlie the provisions of the Homestead Act.

Preemption, however, was a place where the interests of the federal government and those of settlers diverged. Despite longstanding and popular practices of illegal settlement, Congress did not pass a General Preemption Act until 1830 nor make it permanent until 1841. This delay reflected the well recognized divergence between the federal government's desire to maximize revenue from land sales and encourage the orderly sale of lands, and settlers' desire to acquire western lands as quickly and cheaply as possible. Although, as a nation governed under the principle of popular sovereignty, the federal government was meant to be guided by its citizens' interests, this professed goal conflicted with the federal government's operational goal of securing revenues to maintain the public credit (see Selznick 1948). As the petition presented above indicates, settlers were well aware of this operational goal.

Moreover, as the number of GLO land offices grew and its roster of functionaries and clerks expanded throughout the antebellum period, a new class of people emerged whose primary goal was to carry out the operations of the GLO. Unlike legislators who were also beholden to their constituents, the registers and receivers who staffed the GLO were only tasked with the work of administering federal land policy. These officials were also increasingly called upon to comment on proposed legislation. To do so, they adopted the view of the state to make recommendations according to the state's operational needs. When asked to comment on preemption, GLO Commissioners such as Josiah Meigs and George Graham understood that any laws seeming to support squatters would only serve to encourage further intrusions, and that preemption would effectively fix the price of vast quantities of lands at the minimum value, thereby reducing public revenues. As Meigs would write, preemption laws "*encourage* rather than forbid *intrusion"* (quoted in Rohrbough 1968: 202). The outright free granting of public

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[119] Petitions and Memorials: Select Committees: Lands, SEN14A-G13.1, Records of the Senate, Record Group 46, National Archives at Washington, D.C.

lands via the Homestead Act was the ultimate triumph of the principle of land for settlers over land for revenue.

Like the Pacific Railway Act, the Homestead Act could not be passed until the secession of Southern interests after the outbreak of the Civil War. However, this act was also the culmination of decades of growing settler power as Western states commanded an increasingly large share of Congressional representation.[120] The North's victory in the Civil War was a defeat of slavery; it was also the triumph of a settler political economy.

Evolving Governmental Rationalities

As the federal government's land policy evolved, deliberations over land provided fertile ground for new governmental rationalities and new relationships between the domains of what we now call state, economy, and society to develop. Legislators sought to economize the public lands in the classic sense of the term as maximizing utility in the face of constraints. In doing so, they began to perceive how the design of their policies could incentivize or constrain settlers and speculators. Policy was not only a set of privileges that could be meted out to favor one group or the other, but also a technology for directing the flow of human behavior. It was a tool for the ever more cellular governance of economy and society.

Nowhere was the economizing and utility maximizing rationality of government appealed to as strongly or directly as in the domain of internal improvements. Debates over internal improvements also became debates over the source and meaning of public prosperity, and the proper role of government therein. In this period before concepts such as Gross Domestic Product, shared projections of increasing land values evolved as a means for rationalizing government intervention.

Consider, for example, the series of fourteen essays Jesse Hawley published between October 1807 and April 1808 in the *Genesee Messenger,* arguing for the construction of what would become the Erie Canal. These essays would be the first time a proposal for such a canal appeared in print. It is by virtue of this distinction that these essays from an otherwise unremarkable individual, pseudonymously published in a short-lived and obscure publication, have been preserved.[121]

Not much is known about Hawley outside of his role in the story of the Erie Canal. However, what is known paints the picture of an average, native-born white man of middling to moderate prosperity. Hawley never received more than a country school education in Connecticut. Not raised in a city and with no college education in his background, we can assume Hawley was most likely the son of some sort of farmer, although he could also have been

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120 One particularly outspoken proponent of the Homestead Act that exemplifies the Western position was Isaac P. Walker, Senator from Wisconsin.

121 These essays are available in full in David Hosack's (1839) memoir of DeWitt Clinton. They only appear there because Hawley himself sent Hosack these essays in 1828.

the son of a rural shopkeeper or craftsman. Whether inspired by a particularly entrepreneurial spirit or driven west by the lack of a secure patrimony (and most likely some combination of the two), at the turn of the century Hawley found himself in western New York unsuccessfully trying his hand as a flour merchant. It was there that Hawley became accustomed to doing business in upstate New York and navigating the inefficient, expensive, and frustrating river improvements of the Western Inland Lock Navigation Company.[122]

Hawley first had the idea to connect Lake Erie with the Hudson via canal in 1805. However, this idea would not take flight until Hawley stumbled across a copy of Thomas Jefferson's second inaugural address while in Pittsburgh in the autumn of 1806 to escape his debts in New York. In it, Jefferson advocated for spending surplus tax revenues in times of peace on "rivers, canals, roads, arts, manufactures, education, and other great objects."[123] Hawley would publish his first, introductory essay in the Philadelphia *Commonwealth* in January of 1807, more than a year prior to the publication of Albert Gallatin's much cited 1808 report on internal improvements.[124] Starting later that year during what would be a twenty-month stay in debtors' prison in New York, and armed only with the *American Encyclopedia* and general surveyors' maps of the western New York region, having never himself visited his proposed route, Hawley penned his *Genessee Messenger* essays.[125]

Hawley's essays demonstrate the extent to which even modestly educated men of business, such as himself, were occupied with the higher concerns of national prosperity and independence and considered it appropriate to directly and publicly comment on such affairs. His essays offer an extended window into the views of middling men such as Hawley who would have, for example, felt qualified to sign a petition such as that of the Ohio inhabitants from 1820 that opened this chapter, but would not have had the opportunity to make extended remarks on the House or Senate floor or otherwise have their extended thought processes recorded for posterity.

For Hawley, a national system of internal improvements such as canals was central to his understanding of the proper role of great nations:

> Nations have often mistaken the true path to wealth and greatness, by pursuing the mere phantoms of glory… The stupendous monument of England, is her navy. This reads something more than folly and prodigality. To its oppression on human sweat and toil, it adds blood and carnage. […] To the cultivation of the arts of peace, we have to ask our government to adopt another principle: that of a nation's wealth best consists in the amount of the individual property of its subjects. This is best promoted by applying the surplus revenue of the state to internal improvements, roads, canals, &.c […] The important object of

[122] Jesse Hawley, correspondence with David Hosack, 1828. Republished in David Hosack's Memoir of De Witt Clinton (New York: J. Seymour, 1839), pp. 299-306.

[123] Thomas Jefferson's "Second Inaugural Address" (4 March 1805), available via the Avalon Project at Yale University <http://avalon.law.yale.edu/19th_century/jefinau2.asp>/

[124] See, for example, Goodrich (1958) or Larson (2001).

[125] Jesse Hawley, correspondence with David Hosack, 1828. Republished in David Hosack's Memoir of De Witt Clinton (New York: J. Seymour, 1839), pp. 299-306.

> canals is to substitute animal labour in the transport of produce with water machines, and to bestow the saved labour in transport on the cultivation of the soil.

In Hawley's mind, the key to the United States' national greatness lay not in its war-making capabilities, but in the wealth of its individual subjects, which in turn could best be promoted by internal improvements such as roads and canals. Hawley went on to argue that the primary benefit of such improvements was to increase the productivity of animal labor, which in turn could increase the agricultural productivity of land. Although not articulated as such, Hawley was uniting a Jeffersonian, agrarian vision of America with a more Hamiltonian vision of an activist and what we would now call developmental state. For Hawley, it was self-evident that the primary beneficiary of internal improvements such as the Erie Canal would be small-holding farmers who, in aggregate, would secure the peace and prosperity of the nation.[126]

It must be stressed that for Hawley it was not enough that national improvements be built; they must also be built using public funds. Joint-stock companies and private corporations, in Hawley's understanding, were only stepping-stones on a slippery road back to aristocracy and foreign control—"the one is the foster-parent to the other." Hawley conceived of government as nothing more than a "national incorporation." Each charter granted to a private corporation represented the granting of a fractional sum of the rights guaranteed under the social contract between a citizen and his government to what Hawley perceived as elite members of said corporation. To the extent that membership or stock could be transferred to a foreign entity, private corporations and joint-stock companies also made the United States vulnerable to foreign control. On this basis, Americans "therefore can alone, with confidence, turn our attention and our best hopes to a patriotic government… as the source of capital competent to the completion of our numerous internal improvements."

Compare Hawley's rationale with those of then Treasury Secretary Albert Gallatin's as expressed in his 1808 report to Congress on internal improvements. While Hawley saw public control as a means of avoiding foreign influence, Gallatin's rationale for advocating for federal support of internal improvements was quite different. For Gallatin, internal improvements could only be left to private capital "in countries possessed of a large capital, where property is sufficiently secure to induce individuals to lay out that capital on permanent undertakings, and where a compact population creates an extensive commercial intercourse, within short distances." The United States enjoyed neither of these features. Short, unconnected stretches of road and river improvements, such as those then built by private enterprises and littering the United States in the late eighteenth century, were of limited use and largely unprofitable. Only the federal government could provide sufficient coordination and capital to achieve a productive and profitable network of internal improvements. While Hawley was motivated by substantive republican political values to advocate for public control and an agrarian vision of prosperity,

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126 Ibid. pp. 324-326.

Gallatin was applying an economizing logic that conceptualized both private enterprises as well as public government as self-interested, profit-seeking actors.[127]

In Gallatin's remarks we see reflected an early version of the modern theory of public goods: certain goods that can only be provided with a high degree of cooperation and that require high cost to produce can only be efficiently provided by public agencies. In contrast, by expressing a nation's prosperity as a function of the productivity and wealth of its citizens, Hawley's remarks are analogous to today's concept of Gross Domestic Product (GDP).

However, neither of these rationales would stick the way that of Peter Buell Porter would. When Porter began petitioning Congress in 1810 to secure federal support for the Erie Canal, he appealed to the federal government as landholder to landholder. It would be the principle of maximizing land revenues that would prove most durable in the evolution of land policy.

Porter was the Yale-educated son of distinguished military men who was trained as a lawyer before quickly ascending to public office in both the New York state and national governments. Throughout his career, Porter balanced his personal family interests in land speculation and river transportation business on the Niagara River with his public duties (Hauptman 2003). Over the course of his life, Porter would serve as Erie Canal commissioner, three-time representative to the United States House of Representatives, Secretary of State of New York, and would ultimately attain the office of United States Secretary of War under John Quincy Adams.[128]

Although both Porter and Hawley touted internal improvements in the name of the farmer, the bases of their advocacy were very different. Hawley understood farmers as independent people dignified by the productive working of land they freely owned. In contrast, Porter saw in farmers the threat of unchecked population growth, "idleness and dissolution," and the always-looming possibility of farmers' reversion to servitude as wage laborers. For Hawley, canals promised greater comfort and more wealth for less human toil in an agrarian society where goods were produced primarily for immediate use and only surplus production was destined for trade outside of the immediate community. In contrast, for Porter canals paved the way for an ever more productive market society in which individual farmers could be enrolled in the disciplining demands of capital accumulation and goods could be produced for exchange at ever greater scales and efficiencies. In addition to these benefits for farmers, Porter also praised

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[127] Albert Gallatin, "Report of the Secretary of the Treasury on the Subject of Public Roads and Canals made in Pursuance of a Resolution of Senate of March 2, 1807," Washington: R.C. Weightman, 12 April 1808.

[128] United States Congress. n.d. "Porter, Peter Buell." Biographical Directory of the United States Congress <https://bioguide.congress.gov/search/bio/P000446>.

internal improvements for their ability to create national political integration, strengthen military defense, and increase customs revenues.[129]

The language of Porter's 1810 speech to Congress made it clear that he imagined was directing his comments to an audience of elite peers. In introducing his plan to finance the canal with public funds, Porter not-so-subtly aligned himself with wealthy, Western landholders: "I have been somewhat conversant with the interests of the great private landholders of the western country. They are a class of people whose sagacity in discovering and industry in pursuing the means of accumulating wealth, are not to be questioned." Rather than playing up the enterprising spirit of America's westward migrants, Porter baldly assessed them as, with "few exceptions, of the poorer class," and therefore liable to have difficulty meeting their debts.

Instead of presenting the United States as a direct extension of its people—a"public incorporation" resulting from the social contract between citizens and their government—Porter portrayed the United States as landlord and debt collector.

> The people who have purchased and settled on your new lands, are already your debtors to the amount of some millions of dollars; and in as far as they are your debtors, they are… a species of enemy and we have already seen to what a formidable extent their powers and numbers are increasing. […] You must appear among them, not in the light of their creditors merely, but as their guardians, their protectors, as the promoters of their welfare. If you avoid all communication with them, except what arises out of your relations as creditors, and go among them only to collect their money, be assured that this is an intercourse which they will soon break off.[130]

From Porter's perspective, internal improvements were not only an economic stimulant, but also a tool for maintaining government legitimacy. They were pork to be distributed to political insiders and bread to be distributed to the masses.

To fund the Erie canal, Porter proposed appropriating the proceeds of public lands sales. Porter predicted that the construction of the canal would increase the cost of western public lands four-to-six fold. Therefore, he argued, even though he was requesting a generous outlay of public funds, that donation would ultimately pay for itself through increased land sale revenues upon the completion of the canal. In making this argument, Porter was extending his identification with the interests of wealthy landholders to the interests of the United States itself.

Although Porter's language may have veered on the side of the aristocratic, the sentiments he expressed were not foreign to citizens of more ordinary means. Purchasers of the public lands well understood that their government hoped to raise revenues from land sales. Petitioners, such as those from earlier 1809 petition in Ohio, appealed to their legislators not only as direct extensions of themselves and their interests, but also as representatives of a state with interests of its own. When those petitioners appealed to Congress to postpone payment (without interest), they made arguments based on their deservingness and basic material needs as settlers,

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[129] Peter B. Porter, "Speech of the Hon. P. B. Porter on Internal Improvements, delivered in the House of Representatives on the 8th February, 1810," Republished in David Hosack's *Memoir of De Witt Clinton* (New York: J. Seymour, 1839), 359-374.

[130] *Ibid.,* 373-374.

as well as based on the federal government's desire to maximize revenue: "A rigorous execution of the laws under which your memorialists have purchased lands, would ruin many families, benight a few monied Speculators, and eventually add to the public treasury nothing.—A resolution is again ardently solicited and humbly expected."[131]

The same logic is visible in the 1820 petition of Ohio inhabitants this chapter opened with. Like Porter, those petitioners argued that the improvements they sought "would enhance the value of government lands to an amount certainly equal, and probably greatly superior to the expenses attendant upon its creation." In their calculation, federal support of internal improvements would pay for itself. Three years later, Congress would authorize its first grant of public lands for internal improvements when it granted Ohio a 120-foot-wide right-of-way and lands on one mile either side thereof for the construction of a road from the Miami rapids to the Western Reserve. This modest first grant was soon followed by grants for canals starting in 1827, spurred by the runaway success of the Erie Canal.

With this government support also came the beginnings of federal regulatory power. In recognition of the growing importance of river navigation to the young country, in 1824 Congress created the Board on Internal Improvements within the War Department, which would be absorbed into the Department's Topographical Engineers in 1831 (Schubert 1988). Engineers within the Board travelled the country to survey and assess proposed canal projects, providing detailed reports to Congress about the technical feasibility and design of each.[132] In 1849, the Topographical Engineers would go on to serve as the primary source of surveying and engineering expertise for the newly established Department of Interior and its efforts in railroad promotion. [133]

The same year that Congress authorized its first canal land grant, Congress for the first time decided to reserve alternate sections of the lands it granted for internal improvements. In a practice that would become ubiquitous, Congress reserved alternate sections in a checkerboard on either side of the improvement being promoted, and doubled the minimum price on reserved lands from $1.25 per acre to $2.50. Congressmen reasoned that this checkerboard pattern of lands grants would, in theory, wholly recoup the revenues lost from the granted lands while ensuring that the federal government directly benefited from the rise of land prices that followed internal improvements (Gates 1968: 341-386).

Land and internal improvements were shared objects through which settlers and their government alike could coordinate action and make investments into a not-yet-realized future.

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[131] Petitions on various subjects, SEN10A-G4, Records of the Senate, Record Group 46, National Archives at Washington, D.C.

[132] Letters Sent, May 16, 1826–February 16, 1828, Office of Chief of Engineers Board on Internal Improvements, Record Group 77, National Archives at Washington, D.C.

[133] Railroad Packages, 1849-1901, Department of Interior, Lands and Railroads Division, Record Group 48, Package 182, National Archives at College Park, M.D.

By purchasing land on credit, settlers committed themselves to a set of assumptions about the stability of commodity prices, about the value of local currencies and access to specie, and about the likelihood of American military victory against Native nations and imperial neighbors alike. By providing aid to internal improvements in the form of alternate sections with the hope of recouping its donation, the federal government was committing itself to assumptions of continued westward expansion and of continued appetite for western lands, while creating the conditions that ushered settlers westward.

Significantly, and despite the many rationales presented for government promotion of infrastructures proposed at the time, it was on the objective of maximizing revenues from land sales that legislators created consistent and finely-tuned policy targeted at the level of individual tracts. Internal improvements oscillated between public and private ventures, and the federal government was never able to create an integrated national transportation network in Gallatin's vision. Yet, through the shared language of price per acre, legislators were able to reason about, project the impacts of, and ultimately justify government promotion of infrastructure.

Legislators would similarly rely on calculations of projected revenue to justify the 1854 Graduation Act, which reduced the minimum price per acre according to the length of time that land had been on the market. Legislators reasoned that lands not entered after decades on the market had proven themselves effectively worthless to the federal government. The solution, then, was to reduce prices until the lands became sufficiently desirable and could be sold for some revenue. In their deliberations, legislators pored over annual returns of acres sold, lands granted, and revenues derived from the public lands which were meticulously recorded, tabulated, and provided by the General Land Office, and later the Department of Interior. These statistics gave legislators a fine-grained view from above through which they could develop policy. Although legislators did not always agree on the exact terms of graduation, or how graduation would affect the revenues available from other disposal methods, price per acre provide a shared language through which legislators could reason, debate, and ultimately pass a Graduation Act.[134]

In other words, in this period before concepts like GDP, the federal government used the logic of maximizing revenues from public lands sales to rationalize its investments in

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[134] See, for example, the extensive debates over graduation and land grants to Iowa railroads in the 32nd Congress (1851-1853). Legislators debated extensively over how to maximize revenues from land sales. Primary points of contention were what width of right-of-way and how many sections on either side of a railroad were necessary to provide adequate support, and whether the supply of public lands were dwindling or not, and—if so—what measures should be taken as a result.

See also Gates (1968) for discussion of graduation as a sectional issue. Gates interprets graduation, which was championed by Senator Thomas Hart Benton of Missouri, as a policy that favored the interests of Southern enslavers who sought to purchase vast tracts of land at reduced rates that could be used for cotton cultivation. Although there was certainly a Southern interest in graduation, ultimately the policy was passed in 1854 with the aid of a combination of Southern and Western interests.

infrastructure promotion. Before managing the economy, the federal government managed its public lands.

From the Politics of Exclusion to the Politics of Sacrifice

> *"Whilst the savages were engaged in the work of civilization, the Europeans continued to surround them on every side… With their resources and acquired knowledge, the Europeans soon appropriated to themselves most of the advantages which the natives might have derived from the possession of the soil; they have settled in the country, they have purchased land at a very low rate or have occupied it by force, and the Indians have been ruined by a competition which they had not the means of resisting.* […]
>
> *From whichever side we consider the destinies of the aborigines of North America, their calamities appear to be irremediable: if they continue barbarous, they are forced to retire; if they attempt to civilize their manners, the contact of a more civilized community subjects them to oppression and destitution. […] The Spaniards were unable to exterminate the Indian race by those unparalleled atrocities which brand them with indelible shame, nor did they even succeed in wholly depriving it of its rights; but the Americans of the United States have accomplished this twofold purpose with singular felicity; tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of morality in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity."*
>
> — Alexis de Tocqueville (1835), *Democracy in America,* Chapter XVIII, Part III

> *"But, sir, there already are some inhabitants of the lands which are to constitute these [Kansas and Nebraska] Territories, which it is proposed by this bill to organize. They are not squatters, nor aliens, but the aborigines of our country. They have been driven back from the shore where once in proud superiority and undisputed right they gazed upon the ocean which was outspread before them, little thinking what was to be their destiny, or how soon the approaching wave of civilization was to drive them back from their secure resting place. […]*
>
> *Methinks I see the Indian urged on by the advancing wave pressing still westward, till he finds himself in view of the vast Pacific ocean, and, as his eyes look in vain for other lands to which he may retire, he feels the force of the waves of the Pacific turned against him, and passing him backward toward the Rocky Mountains. Sad and disconsolate, he yields himself without opposition, not even a struggle, to his destiny."*
>
> — Speech of Representative John S. Harrison before the House of Representatives, May 10, 1854

By analyzing the United States as both an empire and a republic, this dissertation considered how the collision of imperial norms of territorial expansion and rule by difference on the one hand, and republican ideals of liberty, self-government, and equality on the other, produced a settlers' republic. It demonstrated how land became the central object of government in this settlers' republic and how, through the administration, improvement, and integration of land, the antebellum United States expanded its administrative institutions and developed new governing rationalities. Discussions of land, money, credit, and westward expansion via the sale of public lands and their improvement via roads, canals, and railroads allowed settler and state alike to coordinate their visions of the future and construct the political and economic conditions of antebellum United States. Significantly, as this dissertation demonstrated, during moments of territorial expansion and development, American governing institutions did not develop in a way that could accommodate radically competing interests. Instead, strategies of exclusion evolved to "resolve" difference. Assumptions of Indigenous erasure made the public lands a politically light resource that reduced the perceived costs of government promotion of infrastructures, and scalar fixes allowed legislators to build consensus by excluding dissenting interests.

These strategies of exclusion are visible in the discussion of settler political economy above, which are conspicuously silent on the question of how Natives and African Americans fit into these settler visions of growth and prosperity. However, the remarks from Tocqueville and Harrison also suggest a second set of strategies for rendering suffering socially acceptable: those of sacrifice. Native Americans are presented as the unavoidable casualty of civilizational advancement. Doomed to be out-competed by Europeans more experienced in the skills of settled, agricultural life, and continually pushed westward by the "wave of civilization" until they yield themselves, "sad and disconsolate" but "without opposition… to [their] destiny," they are rendered as a tragic but noble sacrifice on the altar of progress. It is this sense of inevitable decline that allowed Tocqueville to write without irony that the Americans had been able to tranquilly, legally, even philanthropically commit the genocide of Native peoples with the utmost "respect for the laws of humanity."

Scholars such as Jean O'Brien (2010), Roxanne Dunbar-Ortiz and Dina Gilio-Whitaker (2016), and Gerald Vizenor (1999) have analyzed how such narratives of Indigenous disappearance have been used to refute Indian land title and justify the occupation of "empty" lands. Such narratives of Indian disappearance served to further Indigenous erasure by making dispossession appear bloodless and complete. From this perspective, the continued survivance of Native peoples today resists these myths and serves as an act of resistance to erasure.

However, by making Indigenous peoples disappear in the service of the broader civilizational project of the United States, this narrative also enacts what Wendy Brown (2015: 210) has called the politics of "shared sacrifice." In contrast to pluralist, democratic competition wherein substantive differences can be recognized, debated, and negotiated, a politics of sacrifice asks individuals to subsume their individual interests, perspectives, and desires for a common, higher purpose. This common, higher purpose is itself never debated. Shared sacrifice requires that individuals fall into line or otherwise be dismissed as beyond the boundaries of the collective, and is therefore a particularly coercive form of inclusion. The politics of shared sacrifice is, then, as Brown has noted, a particularly de-politicizing and disciplinary mode of organizing action.

In the politics of shared sacrifice, individuals are asked to make sense of and ultimately make peace with their own fortunes and misfortunes in the context of the collective, in service of the collective. Of course, Native peoples did not play along. Far from yielding "sad and disconsolate" to settlers' visions of civilizational progress, Natives resisted, negotiated, and transformed the terms of encounter in ways large and small from the moment of first contact to today.

However, as petitions above illustrate, settlers were more willing to orient themselves to the politics of sacrifice. Settlers such as those of the petition of 1820 understood their situation as intimately connected with their own hard work and initiative and the fortunes of their region and nation, yet they also accepted that they were determined by forces largely out of their control. As they attested, "It is not from the want of industry that this unhappy situation of our affairs has resulted: our herds are numerous, our granaries are full; but the productions of our industry are perishing on hand for want of market." They bore their misfortune and did not advocate for narrow solutions such as debt forgiveness or the ability to make payments in the local currency, but rather proposed a solution that advanced what they understood as the collective national project of western expansion and internal improvement.[135] In penning their petition in this way, these Ohio settlers were not only contributing to the evolution of the governing rationality of the early American state; they were also learning how to adapt to the disciplinary demands of inclusion in the modern state. Despite the United States being founded on ideals of popular sovereignty wherein government was meant to emanate directly from the people, and despite finding themselves in a land producing in abundance, to meet the demands of satisfying their land debt these petitioners were prepared to enroll themselves ever deeper into the project of civilizational advancement via internal improvement. This dissertation concludes by pointing to these dynamics not to lament them as ironic tragedies or accept them as inevitable, but rather to remember the horizon of possibility implicit in recalling these dynamics as the contingent, power-laden, and therefore transformable products of history.

Broader Implications

Where, then, from here? By way of conclusion, this dissertation ends by discussing some of the broader implications of these findings.

First, by analyzing the United States as a settlers' republic, this dissertation has a number of implications for students of modern state formation. While social scientists have long recognized empire as the predecessor to nation-states, they have not sufficiently problematized how the transition from empires to nation-states created a host of productive contradictions. This

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[135] Petitions: Committee on Roads and Canals, HR16A-G19.4 to HR16A-G20.2, Records of the House of Representatives, Record Group 233, National Archives at Washington, D.C. See also Cronon (1991) for connections between the vicissitudes of global commodity markets and Western farmers.

dissertation suggests that it was in resolving these contradictions that taken-for-granted features of modern states, such as the territorialization of sovereignty and national states' insistence on social and economic homogeneity—and the often violent, dispossessive, and racialized social dynamics that resulted—may have emerged. Drawing scholars' attention to the imperial origins of these features of modern states is not to suggest that they are some sort of holdover from an imperial past, but rather to point out that they are the products of liberalism itself. They are, as Michael Mann (2004) has argued, part of the "dark side of democracy" which requires more sustained scholarly attention.

Formulating the question of modern state formation in this way shifts the focus of scholars' attention from questions of state capacity and state strength (the traditional questions of Weberian, bellicist conceptualizations of state modernization), or nation building *à la* studies of nationalism and the construction of a unified national identity. It synthesizes these perspectives to illuminate the modern state as the institutional carrier for a new form of collective claims-making and a new form of collective reason. Today, it is taken for granted that modern states should pursue goals such as economic development, security, and social welfare. The boundaries, then, of who is included within these collective constructions, on what terms, and according to what modes of reasoning becomes paramount.

In the United States, the collision of empire and republicanism produced a settlers' republic. This dissertation points to some of the constitutive exclusions that were necessary to allow American political and economic development to proceed apace. Early government experiments in infrastructure promotion relied on assumptions of Indigenous erasure to reduce the perceived costs of government action, while territorial expansion and development under the United States' system of federalism required repeated scalar fixes to exclude dissenting positions in the face of legislative gridlock. These exclusions were woven into the emergence of new governing rationalities, such as infrastructure-led development, that are still with us today. These exclusions also suggest the boundaries of the imagined political community, and the various forums and concepts through which these boundaries were being implicitly negotiated, from budget debates, to the halls of Congress, to ideas such as "improvement." Scholars should become more aware of these subterranean politics. One solution in the face of these constitutive exclusions would be more enlightened inclusion. However, the fact that these exclusions were necessary to make the American republican project "work" suggests that expanding inclusion must be coupled with a more radical reworking of the institutions and rationalities of democratic governance itself. How can modern states produce belonging without demanding conformity? More work is needed to observe how other countries navigated the transition from empires to nation-states, and what institutions and rationalities emerged elsewhere to manage the contradictions of this transition.

Second, and relatedly, by tracing land as a through line in American state formation, this dissertation also suggests an approach to historical analysis that is particularly well suited for observing the unfolding of unforeseen or unintended consequences. It was through trying to acquire, manage, and incorporate vast lands that early Americans discovered the contradictions of their experiment in republican government. The demands of managing land produced its own dynamics that cut across the intentions of early American state builders and bound together the fates and fortunes of settlers, Natives, and the American state *qua* state alike. The materiality of land gave it a fixity—an independent existence outside of how it was being produced in interaction with various groups—that allowed it to cut across different social groups and become a carrier of different meanings for different people. Therefore, they can act as what Star and Griesemer (1989) have called "boundary objects" that allow heterogenous groups to cooperate. This dissertation demonstrates how tracing such boundary objects is also an opportunity to observe how boundary objects actually bring new groups together, coordinate action, and enmesh groups in ever deeper and more complex social, economic, and political relationships that exceed any individual person's full intentions. As the assumptions of Indigenous erasure underlying the use of the public lands as a fiscal resource demonstrates, these enmeshments can be implicit yet have powerful effects. These findings suggest that tracing material boundary objects such as land can be a powerful tool for making sense of the emergence and dynamics of complex systems, from the many hands of modern states to the invisible hands of the economy.

Finally, this dissertation suggests the importance of putting land and territoriality at the center of social scientists' analyses of social, economic, and political life more generally. These findings suggest that the full territorialization of political life—something which feels so natural and obvious to us today—is only a nineteenth century phenomenon (see also Ford 2010; Maier 2000), and that many of the dynamics of modernity have emerged from this development. Clearly demarcated political and administrative boundaries allowed governments to begin transitioning from the goal of extensive territorial expansion to that of intensive territorial development. The United States was far from the only country in the nineteenth century to experience a canal and railroad boom. The enclosure and privatization of common lands also created the conditions for the individuated incorporation of people and property into emerging money and market-based economies. At the same time, the territorialization of sovereignty made place-based differences politically consequential in a new way. By taking land seriously, this dissertation foregrounds something that has been at the center of so much theorizing from Native scholars and scholars from the Global South, yet has curiously remained largely out of view of social sciences (Connell 2007). Today, in the face of rapidly changing climate and economic geographies, it is worth critically assessing taken-for-granted relationships between people, government, and territory. As Native scholar Jodi Byrd (2011) asks, what would it look like for land to be reimagined not as an object of government, but as a vehicle for accountability? What new relations would be possible? Addressing these questions requires critique of the existing structures of settler economy and society, but it also requires looking beyond those confines to the spaces where real alternatives are being cultivated.

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Appendix A: CAP Codes*

*Additions highlighted and some sentences bolded for emphasis

Major Codes

1. Macroeconomics
2. Civil Rights
3. Health
4. Agriculture
5. Labor
6. Education
7. Environment
8. Energy
9. Immigration
10. Transportation
11. ---------------
12. Law and Crime
13. Social Welfare
14. Housing
15. Ƒ Domestic Commerce
16. Defense
17. Technology
18. Foreign Trade
19. International Affairs
20. Government Operations
21. Public Lands
22. ---------------
23. Culture

Minor Codes

- **1. Macroeconomics**
  - 100: General

    Description: Includes issues related to general domestic macroeconomic policy.
  - 101: Interest Rates

    Description: Includes issues related to inflation, cost of living, prices, and interest rates
  - 103: Unemployment Rate

    Description: Includes issues related to the unemployment rate, impact of unemployment

- 104: Monetary Policy

  Description: Includes issues related to the monetary policy, central bank, and the treasury
- 105: National Budget

  Description: Issues related to public debt, budgeting, and efforts to reduce deficits
- 107: Tax Code

  Description: Includes issues related to tax policy, the impact of taxes, and tax enforcement
- 108: Industrial Policy

  Description: Includes issues related to manufacturing policy, industrial revitalization and growth
- 110: Price Control

  Description: Includes issues related to wage or price control, emergency price controls
- 199: Other

  Description: Includes issues related to other macroeconomics subtopics.

- **2. Civil Rights**
  - 200: General

    Description: Includes issues related generally to civil rights and minority rights
  - 201: Minority Discrimination

    Description: Includes issues related to minority, ethnic, and racial group discrimination
  - 202: Gender Discrimination

    Description: Includes issues related to sex, gender, and sexual orientation discrimination

- 204: Age Discrimination

  Description: Includes issues related to age discrimination, including mandatory retirement age policies
- 205: Handicap Discrimination

  Description: Includes issues related to handicap and disease discrimination
- 206: Voting Rights

  Description: Includes issues related to v*oting rights, expanding or contracting the franchise, participation and related issues*
- 207: Freedom of Speech

  Description: Issues related to freedom of speech, religious freedoms, and other types of freedom of expression
- 208: Right to Privacy

  Description: Includes issues related to privacy rights, including privacy of records, access to government information, and abortion rights
- 209: Anti-Government

  Description: Includes issues related to anti-government activity groups, such as the communist party and local insurgency groups
- 210: Slavery
- 211: Gun Control
- 299: Other

  Description: Includes issues related to other civil rights subtopics

- **3. Health**
  - 300: General

    Description: Includes issues related generally to health care, including appropriations for general health care government agencies

- 301: Health Care Reform

  Description: Includes issues related to broad, comprehensive changes in the health care system

- 302: Insurance

  Description: Includes issues related to health insurance reform, regulation, availability, and cost

- 321: Drug Industry

  Description: Includes issues related to the regulation and promotion of pharmaceuticals, medical devices, and clinical labs

- 322: Medical Facilities

  Description: Issues related to facilities construction, regulation and payments, including waitlists and ambulance services

- 323: Insurance Providers

  Description: Includes issues related to provider and insurer payments and regulation, including other types of benefits or multiple benefits

- 324: Medical Liability

  Description: Includes issues related to medical liability, malpractice issues, medical fraud and abuse, and unfair practices

- 325: Manpower

  Description: Issues related to the supply and quantity of labor in the healthcare industry, training and licensing

- 331: Disease Prevention

  Description: Issues related to disease prevention, treatment, and health promotion, including specific diseases not covered in other subtopics

- 332: Infants and Children

  Description: Includes issues related to infants and children, including coverage and quality of care, health promotion, and school health programs

- 333: Mental

  Description: Includes issues related to m*ental health care and mental health disease*
- 334: Long-term Care

  Description: Includes issues related to long term care, home health care, the terminally ill, and rehabilitation services
- 335: Drug Coverage and Cost

  Description: Includes issues related to prescription drug coverage, programs to pay for prescription drugs, and policy to reduce the cost of prescription drugs
- 341: Tobacco Abuse

  Description: Includes issues related to tobacco abuse, treatment, education, and health effects
- 342: Drug and Alcohol Abuse

  Description: Includes issues related to alcohol and illegal drug abuse, treatment, education, and health effects
- 398: R&D

  Description: Includes issues related to health care research and development
- 399: Other

  Description: Includes issues related to other health care topics

- **4. Agriculture**
  - 400: General

    Description: Includes issues related to general agriculture policy, including appropriations for general agriculture government agencies
  - 401: Trade

    Description: Includes issues related to the regulation and impact of agricultural foreign trade

- 402: Subsidies to Farmers

  Description: Includes issues related to government subsidies to farmers and ranchers, including agricultural disaster insurance

- 403: Food Inspection & Safety

  Description: Includes issues related to food inspection and safety, including seafood, and labeling requirements

- 404: Marketing & Promotion

  Description: Includes issues related to efforts to provide information on agricultural products to consumers and the regulation of agricultural marketing

- 405: Animal and Crop Disease

  Description: Includes issues related to animal and crop disease, pest control and pesticide regulation, and welfare for domesticated animals

- 408: Fisheries & Fishing

  Description: Includes issues related to fishing, commercial fishery regulation and conservation

- 498: R&D

  Description: Includes issues related to agricultural research and development

- 499: Other

  Description: Includes issues related to other agricultural subtopics

- **5. Labor**
  - 500: General

    Description: Includes issues generally related to labor, employment, and pensions, including appropriations for government agencies regulating labor policy

- 501: Worker Safety

  Description: Includes issues related to worker safety and protection and compensation for work-related injury and disease

- 502: Employment Training

  Description: Includes issues related to job training for adult workers, workforce development, and efforts to retrain displaced workers

- 503: Employee Benefits

  Description: Includes issues related to all employee benefits, pensions, and retirement accounts, including government-provided unemployment insurance

- 504: Labor Unions

  Description: Includes issues related to labor unions, collective bargaining, and employer-employee relations

- 505: Fair Labor Standards

  Description: Includes issues related to fair labor standards such as the minimum wage and overtime compensation, and labor law

- 506: Youth Employment

  Description: Includes issues related to youth employment, child labor and job training for youths

- 529: Migrant and Seasonal

  Description: Includes issues related to migrant, guest and seasonal workers

- 599: Other

  Description: Issues related to other labor policy

- **6. Education**
  - 600: General

    Description: Includes issues related to general education policy, *including appropriations for government agencies regulating education policy*

- 601: Higher

  Description: Includes issues related to higher education, student loans and education finance, and the regulation of colleges and universities

- 602: Elementary & Secondary

  Description: Includes issues related to elementary and primary schools, school reform, safety in schools, and efforts to generally improve educational standards and outcomes

- 603: Underprivileged

  Description: Includes issues related to education of underprivileged students, including adult literacy programs, bilingual education needs, and rural education initiatives

- 604: Vocational

  Description: Includes issues related to vocational education for children and adults and their impact

- 606: Special

  Description: Includes issues related to special education and education for the physically or mentally handicapped

- 607: Excellence

  Description: Includes issues related to education excellence, including efforts to increase the quality of specific areas, such as math, science or foreign language skills

- 698: R&D

  Description: Includes issues related to research and development in education

- 699: Other

  Description: Includes issues related to other subtopics in education policy

- **7. Environment**
  - 700: General

    Description: Includes issues related to general environmental policy, including appropriations for government agencies regulating environmental policy
  - 701: Drinking Water

    Description: Includes issues related to domestic drinking water safety, supply, pollution, fluoridation, and conservation
  - 703: Waste Disposal

    Description: Includes issues related to the disposal and treatment of wastewater, solid waste and runoff.
  - 704: Hazardous Waste

    Description: Includes issues related to hazardous waste and toxic chemical regulation, treatment, and disposal
  - 705: Air Pollution

    Description: Includes issues related to air pollution, climate change, and noise pollution
  - 707: Recycling

    Description: Includes issues related to recycling, reuse, and resource conservation
  - 708: Indoor Hazards

    Description: Includes issues related to indoor environmental hazards, indoor air contamination (including on airlines), and indoor hazardous substances such as asbestos

- 709: Species & Forest

  Description: Includes issues related to species and forest protection, endangered species, control of the domestic illicit trade in wildlife products, and regulation of laboratory or performance animals
- 711: Conservation

  Description: Includes issues related to land and water conservation
- 798: R&D

  Description: Includes issues related to research and development in environmental technology, not including alternative energy
- 799: Other

  Description: Includes issues related to other environmental subtopics

- **8. Energy**
  - 800: General

    Description: Includes issues generally related to energy policy, including appropriations for government agencies regulating energy policy
  - 801: Nuclear

    Description: Includes issues related to nuclear energy, safety and security, and disposal of nuclear waste
  - 802: Electricity

    Description: Includes issues related to to general electricity, hydropower, and regulation of electrical utilities
  - 803: Natural Gas & Oil

    Description: Includes issues related to natural gas and oil, drilling, oil spills and flaring, oil and gas prices, shortages and gasoline regulation
  - 805: Coal

    Description: Includes issues related to coal production, use, trade, and regulation, including coal gasification and clean coal technologies

- 806: Alternative & Renewable

  Description: Includes issues related to alternative and renewable energy, biofuels, hydrogen and geothermal power
- 807: Conservation

  Description: Includes issues related to energy conservation and energy efficiency, including vehicles, homes, commercial use and government
- 898: R&D

  Description: Includes issues related to energy research and development
- 899: Other

  Description: Includes issues related to other energy subtopics

- **9. Immigration**
  - 900: Immigration

    Description: Includes issues related to immigration, refugees, and citizenship
  - 901: Naturalization
  - 902: Immigration Regulation
    - E.g. National quotas or restrictions of certain types of persons
- **10. Transportation**
  - 1000: General

    Description: Includes issues related generally to transportation, including appropriations for government agencies regulating transportation policy
  - 1001: Mass

    Description: Includes issues related to mass transportation construction, regulation, safety, and availability
  - 1002: Highways

    Description: Includes issues related to public highway construction, maintenance, and safety

- 1003: Air Travel

  Description: Includes issues related to air travel, regulation and safety of aviation, airports, air traffic control, pilot training, and aviation technology

- 1005: Railroad Travel

  Description: Includes issues related to railroads, rail travel, rail freight, and the development and deployment of new rail technologies

- 1007: Maritime

  Description: Includes issues related to maritime transportation, including maritime freight and shipping, safety and security, and inland waterways and channels (including bridges)

- 1010: Infrastructure

  Description: Includes issues related to infrastructure and public works, including employment initiatives

- 1098: R&D

  Description: Includes issues related to transportation research and development

- 1099: Other

  Description: Includes issues related to other transportation subtopics

- **12. Law and Crime**
  - 1200: General

    Description: Includes issues related to general law, crime, and family issues

  - 1201: Agencies

    Description: Includes issues related to all law enforcement agencies, including border, customs, and other specialized enforcement agencies and their appropriations

- 1202: White Collar Crime

  Description: Includes issues related to white collar crime, organized crime, counterfeiting and fraud, cyber-crime, and money laundering
- 1203: Illegal Drugs

  Description: Issues related to illegal drug crime and enforcement, criminal penalties for drug crimes, including international efforts to combat drug trafficking
- 1204: Court Administration

  Description: Includes issues related to court administration, judiciary appropriations, guidelines for bail, pre-release, fines and legal representation
- 1205: Prisons

  Description: Includes issues related to prisons and jails, parole systems, and appropriations
- 1206: Juvenile Crime

  Description: Includes issues related to juvenile crime and justice, juvenile prisons and jails, and efforts to reduce juvenile crime and recidivism
- 1207: Child Abuse

  Description: Includes issues related to child abuse, child pornography, sexual exploitation of children and parental kidnapping
- 1208: Family Issues

  Description: Includes issues related to family issues, domestic violence, child welfare, family law
- 1210: Criminal & Civil Code

  Description: Includes issues related to domestic criminal and civil codes, including crimes not mentioned in other subtopics

- 1211: Crime Control

  Description: Includes issues related to the control, prevention, and impact of crime
- 1227: Police

  Description: Includes issues related to Police and other general domestic security responses to terrorism, such as special police
- 1299: Other

  Description: Includes issues related to other law, crime, and family subtopics

- **13. Social Welfare**
  - 1300: General

    Description: Includes issues generally related to social welfare policy
  - 1302: Low-Income Assistance

    Description: Includes issues related to poverty assistance for low-income families, including food assistance programs, programs to assess or alleviate welfare dependency and tax credits directed at low income families
  - 1303: Elderly Assistance

    Description: Includes issues related to elderly issues and elderly assistance, including government pensions
  - 1304: Disabled Assistance

    Description: Includes issues related to aid for people with physical or mental disabilities
  - 1305: Volunteer Associations

    Description: Includes issues related to domestic volunteer associations, charities, and youth organizations
  - 1308: Child Care

    Description: Includes issues related to parental leave and child care

- 1309: Veterans Assistance

  Description: Social assistance for veterans and their dependents, including medical care
- 1399: Other

  Description: Includes issues related to other social welfare policy subtopics. Include all bills for individual pension benefits.

- **14. Housing**
  - 1400: General

    Description: Includes issues related generally to housing and urban affairs
  - 1401: Community Development

    Description: Includes issues related to housing and community development, neighborhood development, and national housing policy
  - 1403: Urban Development

    Description: Includes issues related to urban development and general urban issues
  - 1404: Rural Housing

    Description: Includes issues related to rural housing
  - 1405: Rural Development

    Description: Includes issues related to non-housing rural economic development
  - 1406: Low-Income Assistance

    Description: Includes issues related to housing for low-income individuals and families, including public housing projects and housing affordability programs
  - 1407: Veterans

    Description: Includes issues related to housing for military veterans and their families, including subsidies for veterans

- 1408: Elderly

  Description: Includes issues related to housing for the elderly, including housing facilities for the handicapped elderly
- 1409: Homeless

  Description: Includes issues related to housing for the homeless and efforts to reduce homelessness
- 1498: R&D

  Description: Includes issues related to housing and community development research and development
- 1499: Other

  Description: Other issues related to housing and community development

- **15. Domestic Commerce**
  - 1500: General

    Description: Includes issues generally related to domestic commerce, including appropriations for government agencies regulating domestic commerce
  - 1501: Banking

    Description: Includes issues related to the regulation of national banking systems and other non-bank financial institutions
  - 1502: Securities & Commodities

    Description: Includes issues related to the regulation and facilitation of securities and commodities trading, regulation of investments and related industries, and exchanges
  - 1504: Consumer Finance

    Description: Includes issues related to consumer finance, mortgages, credit cards, access to credit records, and consumer credit fraud

- 1505: Insurance Regulation

  Description: Includes issues related to insurance regulation, fraud and abuse in the insurance industry, the financial health of the insurance industry, and insurance availability and cost
- 1507: Bankruptcy

  Description: Includes issues related to personal, commercial, and municipal bankruptcies; also includes debtor's prison
- 1520: Corporate Management

  Description: Includes issues related to corporate mergers, antitrust regulation, corporate accounting and governance, and corporate management. Include issues about railroad regulation
- 1521: Small Businesses

  Description: Includes issues related to small businesses, including programs to promote and subsidize small businesses
- 1522: Copyrights and Patents

  Description: Includes issues related to copyrights and patents, patent reform, and intellectual property
- 1523: Disaster Relief

  Description: Includes issues related to domestic natural disaster relief, disaster or flood insurance, and natural disaster preparedness; include relief from fires
- 1524: Tourism

  Description: Issues related to tourism regulation, promotion, and impact
- 1525: Consumer Safety

  Description: Includes issues related to consumer fraud and safety in domestic commerce; include issue relating to regulation of alcohol sale (for other topics related to alcohol, see Agriculture subtopics)

- 1526: Sports Regulation

  Description: Includes issues related to the regulation and promotion of sports, gambling, and personal fitness

- 1527: Special Privileges

  Description: Requests for special privileges and monopolies not related to other topics

  - *E.g. "Fitch, John, petition praying for an exclusive privilege to use steam for purposes of navigation" would be coded as "1007: Maritime" instead of "1517: Special Privileges" since it is a request for a special privilege related to another topic*
  - *E.g. ""Amelung, John F., petition from, praying for a loan to assist him in carrying on his glass manufactory ... 247" is a request for a special loan, so it would considered 1527*

- 1598: R&D

  Description: Includes issues related to domestic commerce research and development

- 1599: Other

  Description: Includes issues related to other domestic commerce policy subtopics

- **16. Defense**
  - 1600: General

    Description: Includes issues related generally to defense policy, and appropriations for agencies that oversee general defense policy

  - 1602: Alliances

    Description: Includes issues related to defense alliance and agreement, security assistance, and UN peacekeeping activities

- 1603: Intelligence

  Description: Includes issues related to military intelligence, espionage, and covert operations

- 1604: Readiness

  Description: Includes issues related to military readiness, coordination of armed services air support and sealift capabilities, and national stockpiles of strategic materials.

- 1605: Nuclear Arms

  Description: Includes issues related to nuclear weapons, nuclear proliferation, modernization of nuclear equipment

- 1606: Military Aid

  Description: Includes issues related to military aid to other countries and the control of arms sales to other countries

- 1608: Personnel Issues

  Description: Includes issues related to military manpower, military personnel and their defendants, military courts, and general veterans issues; also includes issues regarding military honors and bills organizing the personnel of the military as a whole into its branches (e.g. Navy, Army, Marine, etc.)

- 1610: Procurement

  Description: Includes issues related to military procurement, conversion of old equipment, and weapons systems evaluation

- 1611: Installations & Land

  Description: Includes issues related to military installations, construction, and land transfers

- 1612: Reserve Forces

  Description; Issues related to military reserves and reserve affairs

- 1614: Hazardous Waste

  Description: Includes issues related to military nuclear and hazardous waste disposal and military environmental compliance

- 1615: Civil

  Description: Includes issues related to domestic civil defense, national security responses to terrorism, and other issues related to homeland security; include responses to specific attacks on American soil by foreign powers and reports on specific military campaigns

- 1616: Civilian Personnel

  Description: Includes issues related to civilian personnel, civilian employment in the defense industry, and military base closings

- 1617: Contractors

  Description: Includes issues related to military contractors and contracting, oversight of military contractors and fraud by military contractors

- 1619: Foreign Operations

  Description: Includes issues related to direct war-related foreign military operations, prisoners of war and collateral damage to civilian populations

- 1620: Claims against Military

  Description: Includes issues related to claims against the military, settlements for military dependents, and compensation for civilians injured in military operations. NB: This will be an undercount since some military claims will be coded under 2015.

- 1621: Frontier and Indigenous Conflicts

  Description: Defense on the frontier, including from Indian attacks and frontier conflicts (even when U.S. is aggressor since it's not always clear who is the aggressor/defender), and conflicts with Indigenous peoples *within US borders. Communications with Indigenous nations (incl. peace talks and treaties) should be coded under 2102*

- 1622: Militia

  Description: Includes issues related to the militia

- 1698: R&D

  Description: Includes issues related to military and defense related research and development not mentioned in other subtopics

- 1699: Other

  Description: Includes issues related to other defense policy subtopics. Include here issues related to military academics (e.g. West Point, Naval Academy).

- **17. Technology**
  - 1700: General

    Description: Includes issues related to general space, science, technology, and communications

  - 1701: Space

    Description: Includes issues related to the government use of space and space resource exploitation agreements, government space programs and space exploration, military use of space

  - 1704: Commercial Use of Space

    Description: Includes issues related to the regulation and promotion of commercial use of space, commercial satellite technology, and government efforts to encourage commercial space development

  - 1705: Science Transfer

    Description: Includes issues related to science and technology transfer and international science cooperation

  - 1706: Telecommunications

    Description: Includes issues related to telephone and *telecommunication regulation, infrastructure for high speed internet, and other forms of telecommunication*

- 1707: Broadcast

  Description: Includes issues related to the regulation of the newspaper, publishing, radio, and broadcast television industries

- 1708: Weather Forecasting

  Description: Includes issues related to weather forecasting, oceanography, geological surveys, and weather forecasting research and technology

- 1709: Computers

  Description: Includes issues related generally to the computer industry, regulation of the internet, and computer security

- 1798: R&D

  Description: Includes issues related to space, science, technology, and communication research and development not mentioned in other subtopics.

- 1799: Other

  Description: Includes issues related to other space, science, technology, and communication research and development

- **18. Foreign Trade**
  - 1800: General

    Description: Includes issues generally related to foreign trade and appropriations for government agencies generally regulating foreign trade

  - 1802: Trade Agreements (*and Disagreements)*

    Description: Includes issues related to trade negotiations, disputes, and agreements, including tax treaties. Clarification: Can include unilateral decisions about trade with specific foreign countries or blocks of countries

- 1803: Exports

  Description: Includes issues related to export regulation, subsidies, promotion, and control
- 1804: Private Investments

  Description: Includes issues related to international private business investment and corporate development
- 1806: Competitiveness

  Description: Includes issues related to productivity of competitiveness of domestic businesses and balance of payments issues
- 1807: Tariff & Imports

  Description: Includes issues related to tariffs and other barriers to imports, import regulation and impact of imports on domestic industries
- 1808: Exchange Rates

  Description: Includes issues related to exchange rate and related issues
- 1899: Other

  Description: Includes issues related to other foreign trade policy subtopics

- **19. International Affairs**
  - 1900: General

    Description: Includes issues related to general international affairs and foreign aid, including appropriations for general government foreign affairs agencies
  - 1901: Foreign Aid

    Description: Includes issues related to foreign aid not directly targeting at increasing international development
  - 1902: Resources Exploitation

    Description: Includes issues related to international resources *exploitation and resources agreements, law of the sea and international ocean conservation efforts*

- 1905: Developing Countries

  Description: Includes issues related specifically to developing countries Developing Countries Issues (for Financial Issues see 1906)

- 1906: International Finance

  Description: Includes issues related to international finance and economic development, the World Bank and International Monetary Fund, regional development banks, sovereign debt and implications for international lending institutions

- 1910: Western Europe

  Description: Includes issues related to Western Europe (as a bloc, so don't include specific Western European countries) and the European Union

- 1921: Specific Country

  Description: Includes issues related specifically to a foreign country or region not codable using other codes, assessment of political issues in other countries, relations between individual countries

- 1925: Human Rights

  Description: Includes issues related to human rights, human rights violations, human rights treaties and conventions, UN reports on human rights, crimes associated with genocide or crimes against humanity

- 1926: Organizations

  Description: International organizations, NGOs, the United Nations, International Red Cross, UNESCO, International Olympic Committee, International Criminal Court

- 1927: Terrorism

  Description: Includes issues related to international terrorism, hijacking, *and acts of piracy in other countries, efforts to fight international terrorism, international legal mechanisms to combat terrorism*

- 1929: Diplomats

  Description: Includes issues related to diplomats, diplomacy, embassies, citizens abroad, foreign diplomats in the country, visas and passports

- 1999: Other

  Description: Includes issues related to other international affairs policy subtopics

- **20. Government Operations**
  - 2000: General

    Description: Includes issues related to general government operations, including appropriations for multiple government agencies

  - 2001: Intergovernmental Relations

    Description: Includes issues related to intergovernmental relations, local government issues

  - 2002: Bureaucracy

    Description: Includes issues related to general government efficiencies and bureaucratic oversight

  - 2003: Postal Service

    Description: Includes issues related to postal services, regulation of mail, and post civil service

  - 2004: Employees

    Description: Includes issues related to civil employees ***not mentioned in other subtopics****, government pensions and general civil service issues;* So bills for compensation for civil servants in other agencies should be coded as "General" under those other major topics

  - 2005: Appointments

    Description: Includes issues related to nominations and appointments

not mentioned elsewhere; Appointments to agencies coded under other major topics should be coded as that "General" subtopic

- 2006: Currency

  Description: Includes issues related the currency, national mints, medals, and commemorative coins

- 2007: Procurement & Contractors

  Description: Includes issues related to government procurement, government contractors, contractor and procurement fraud, and procurement processes and systems

- 2008: Property Management

  Description: Includes issues related to government property management, construction, and regulation

- 2009: Tax Administration

  Description: Includes issues related to tax administration, enforcement, and auditing for both individuals and corporations

- 2010: Scandals

  Description: Includes issues related to public scandal and impeachment

- 2011: Branch Relations

  Description: Includes issues related to government branch relations, administrative issues, and constitutional reforms

- 2012: Political Campaigns

  Description: Includes issues related to the regulation of political campaigns, campaign finance, political advertising and voter registration; includes contested elections

- 2013: Census & Statistics

  Description: Includes issues related to census and statistics collection by government

- 2014: Capital City

    Description: Includes issues related to the capital city

- 2015: Claims against

    Description: Includes issues related to claims against the government, compensation for the victims of terrorist attacks, compensation policies without other substantive provisions

    - Decision Tree:
        - Is there **already a policy** in place which, in its normal application, **would entitle** the petitioner to something from the government which the government has not supplied? If so, use 2015.
            - In cases of unclear "bill of relief" or "claim of" entries, we'll use 2015 as the catch all. These specific claims for relief are probably being sent to the Committee on Claims.
            - Don't use 2015 if the entry is only "petition of" or "memorial of." That could mean anything
        - Is there **no policy in place or it is unclear how an existing policy would apply to a specific circumstance** and the petitioner is asking the government to weigh in on an issue that falls under a specific legislative area otherwise described in the CAP codebook? If so, use that code.
    - What to do when we have info about committee referrals? Especially for entries about private bills (e.g. "petition for relief of…" "claim of….") (This starts becoming an issue with H48)
        - Codes for private bills:
            - 1620 - Use for C-WC
            - 1399 - Bills about private pensions
            - 2106 - Use for C-PL, C-Private Land Claims
            - 2015 - Use for everything else unless there are extra details

- 2020: Congressional Processes

    Description: Resolutions clarifying Congressional processes (e.g. time of adjournment, order of business, etc.), answer to the President's speech (when topic not specified), appointments to positions within Congress (e.g. Speaker, Clerk, Chaplain), and supporting Congressional activities

- 2021: Special Relief

    Description: Requests for special relief (e.g. from duties, taxes, specific acts, criminal charges, etc.) (Removed. Requests for special relief should be coded under the policy subtopics they concern (e.g. relief from import duties would be coded under 1807, request for special exemption to retain title to a tract of land that would be otherwise sold under a general public lands sale policy would be under 2106)

- 2030: National Holidays

  Description: Includes issues related to national holidays and their observation

- 2099: Other

  Description: Includes issues related to other government operations subtopics

- **21. Public Lands**
  - 2100: General

    Description: Includes issues related to general public lands, water management, and territorial issues; Clarification: Include here discussions about how the public lands should be used or disposed of in general (e.g. military warrants, lands for schools or asylums; ~specific~ appropriations should be categorized under their specific category), or new acquisitions of lands, or surveys of broad swathes of lands. Include general entries about the Interior Department.

  - 2101: National Parks

    Description: Includes issues related to national parks, memorials, historic sites, and recreation, including the management and staffing of cultural sites

  - 2102: Indigenous Affairs

    Description: Includes issues related to indigenous affairs, indigenous lands, and assistance to indigenous people; Includes issues related to indigenous affairs, indigenous lands, and assistance to indigenous people" Should also include policies related to trade and cultural assimilation/elimination. Issues of defense from Indigenous peoples should be categorized under 1621

  - 2103: Public Lands

    Description: Includes issues related to natural resources, public lands, *and forest management, including forest fires, livestock grazing; The description of this subtopic makes it clear that this subtopic should be reserved for discussions about the **management** of the public lands*

- 2104: Water Resources

  Description: Includes issues related to water resources, water resource development and civil works, flood control, and research

- 2105: Dependencies & Territories

  Description: Includes issues related to territorial and dependency issues and devolution; Include statehood debates and bills here

- 2106: Specific Tract

  Description: Use this subtopic for discussions about specific plots of the public lands not classifiable under other subtopics (e.g. VA military tract). Disputes over title for specific tracts. Requests for specific tracts of lands not classifiable under other subtopics, surveys of specific tracts

- 2199: Other

  Description: Includes issues related to other public lands policy subtopics

- **23. Culture**
  - 2300: General

    Description: Includes issues related to general cultural policy issues

  - 2301: National Emblems

    Description: Establishment of national emblems and "official" versions for cultural objects (e.g. Bible, language, history, flag, song, bird)

  - 2302: Patronage

    Description: Requests for incorporation or government patronage of the arts and humanities or other cultural object (e.g. National Endowment for the Arts, National Endowment of the Humanities, support for a church), requests for support for individual projects

- 2399: Other

Appendix B

Table B.1. Crosswalk from CAP Minor Codes to Categories Visualized in Figure 2.2

Categorization for Visualization	CAP Major Code	CAP Minor Code	CAP Minor Code Title
Cultural Policy	23. Culture	2300	General
		2301	National Emblems
		2302	Patronage
		2399	Other
Defense	16. Defense	1600	General
		1602	Alliances
		1603	Intelligence
		1604	Readiness
		1605	Nuclear Arms
		1616	Military Aid
		1608	Personnel Issues
		1610	Procurement
		1611	Installations & Land
		1612	Reserve Forces
		1614	Hazardous Waste
		1615	Civil
		1616	Civilian Personnel
		1617	Contractors
		1619	Foreign Operations
		1622	Militia
		1698	R&D
		1699	Other
	1. Macroeconomics	100	General
		102	Interest Rates
		103	Unemployment Rate
		104	Monetary Policy

Economic Policy		108	Industrial Policy
		110	Price Control
		199	Other
	4. Agriculture	400	General
		401	Trade
		402	Subsidies to Farmers
		403	Food Inspection & Safety
		404	Marketing & Promotion
		405	Animal and Crop Disease
		408	Fisheries & Fishing
		498	R&D
		499	Other
	15. Domestic Commerce	1500	General
		1501	Banking
		1502	Securities and Commodities
		1504	Consumer Finance
		1505	Insurance Regulation
		1507	Bankruptcy
		1520	Corporate Management
		1521	Small Business
		1522	Copyrights and Patents
		1523	Disaster Relief
		1524	Tourism
		1525	Consumer Safety
		1526	Sports Regulation
		1527	Special Privileges
		1598	R&D
		1599	Other
	18. Foreign Trade	1800	General
		1802	Trade Agreements
		1804	Private Investments

	18. Foreign Trade	1806	Competitiveness
		1808	Exchange Rates
		1899	Other
Environmental and Energy Policy	7. Environment	700	General
		701	Drinking Water
		703	Waste Disposal
		704	Hazardous Waste
		705	Air Pollution
		707	Recycling
		708	Indoor Hazards
		709	Species & Forest
		711	Conservation
		798	R&D
		799	Other
	8. Energy	800	General
		801	Nuclear
		802	Electricity
		803	Natural Gas & Oil
		805	Coal
		806	Alternative & Renewable
		807	Conservation
		898	R&D
		899	Other
Fiscal Policy	1. Macroeconomics	105	National Budget
		107	Tax Code
	18. Foreign Trade	1803	Exports
		1807	Tariff & Imports
Foreign Affairs	19. International Affairs	1900	General
		1901	Foreign Aid
		1902	Resources Exploitation

	Affairs	1905	Developing Countries
		1906	International Finance
		1910	Western Europe
		1921	Specific Country
		1925	Human Rights
		1926	Organizations
		1927	Terrorism
		1929	Diplomats
		1999	Other
Government Operations	20. Government Operations	2000	General
		2001	Intergovernmental Relations
		2002	Bureaucracy
		2004	Employees
		2005	Appointments
		2006	Currency
		2007	Procurement & Contractors
		2008	Property Management
		2009	Tax Administration
		2010	Scandals
		2011	Branch Relations
		2012	Political Campaigns
		2013	Census & Statistics
		2030	National Holidays
		2099	Other
Indigenous Affairs	16. Defense	1621	Frontier and Indigenous Conflicts
	21. Public Lands	2102	Indigenous Affairs
		1200	General
		1201	Agencies
		1202	White Collar Crime
		1203	Illegal Drugs
		1204	Court Administration

Judicial System	12. Law and Crime	1205	Prisons
		1206	Juvenile Crime
		1207	Child Abuse
		1208	Family Issues
		1210	Criminal & Civil Code
		1211	Crime Control
		1227	Police
		1299	Other
Land Policy	21. Public Lands	2100	General
		2101	National Parks
		2103	Public Lands
		2104	Water Resources
		2105	Dependencies & Territories
		2199	Other
Postal Service	20. Government Operations	2003	Postal Service
	2. Civil Rights	200	General
		201	Minority Discrimination
		202	Gender Discrimintaion
		204	Age Discrimination
		205	Handicap Discrimination
		206	Voting Rights
		207	Freedom of Speech
		208	Right to Privacy
		209	Anti-Government
		210	Slavery
		211	Gun Control
		299	Other
		300	General
		301	Health Care Reform
		302	Insurace

Social Policy	3. Health	321	Drug Industry
		322	Medical Facilities
		323	Insurance Providers
		324	Medical Lability
		325	Manpower
		331	Disease Prevention
		332	Infants and Children
		333	Mental
		334	Long-term Care
		335	Drug Coverage and Cost
		341	Tobacco Abuse
		342	Drug and Alcohol Abuse
		398	R&D
		399	Other
	5. Labor	500	General
		501	Worker Safety
		502	Employment Training
		503	Employee Benefits
		504	Labor Unions
		505	Fair Labor Standards
		506	Youth Employment
		529	Migrant and Seasonal
		599	Other
	6. Education	600	General
		601	Higher
		602	Elementary & Secondary
		603	Underprivileged
		604	Vocational
		606	Special
		607	Excellence
		698	R&D

		699	Other
	9. Immigration	900	General
		901	Naturalization
		902	Immigration Regulation
	13. Social Welfare	1300	General
		1302	Low-Income Assistance
		1303	Elderly Assistance
		1304	Disabled Assistance
		1305	Volunteer Associations
		1308	Child Care
		1399	Other
	14. Housing	1400	General
		1401	Community Development
		1403	Urban Development
		1404	Rural Housing
		1405	Rural Development
		1406	Low-income Assistance
		1407	Veterans
		1408	Elderly
		1409	Homeless
		1498	R&D
		1499	Other
Technology	17. Technology	1700	General
		1701	Space
		1704	Commercial Use of Space
		1705	Science Transfer
		1706	Telecommunications
		1707	Broadcast
		1708	Weather Forecasting
		1709	Computers
		1798	R&D

		1799	Other
Transportation	10. Transportation	1000	General
		1001	Mass
		1002	Highways
		1003	Air Travel
		1005	Railroad Travel
		1007	Maritime
		1010	Infrastructure
		1098	R&D
		1099	Other